FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NO. 808523/

STATE OF NEW YORK

SUPREME COURT: COUNTY OF ERIE

ERIC C. MARTIN,

Plaintiff,

MOTION TO COMPEL

 \mathbf{v} .

Index No: 808523/2021

TOWN OF TONAWANDA POLICE DEPARTMENT o/b/o the TOWN OF TONAWANDA,

SPEEDWAY, LLC,

JOHN DOE #1, 2, 3, 4, 5, 6, 7, 8 as employees of Defendant, TOWN OF TONAWANDA POLICE DEPARTMENT,

Defendants.

MOTION MADE BY:

John Feroleto, Esq., attorney for Plaintiff.

DATE, TIME AND

May 19, 2022 at 9:30am, before the Hon.

OF MOTION:

Catherine Nugent-Panepinto, J.S.C., 92 Franklin

Steet, Part 3, Buffalo, New York 14202.

SUPPORTING PAPERS:

Affirmation of John Feroleto, Esq., dated April 20,

2022 with attached exhibits.

RELIEF REQUESTED:

An Order compelling Defendants to provide full and complete responses to all of Plaintiff's discovery demands including Plaintiffs' Omnibus Demands, Request for Documents and Discovery, including training material and disciplinary records of the identified officers, Comply with CPLR § 3122(b), and identify discovery withheld with a privilege log identifying the reason discovery is withheld within 30 days or Defendants' Answer be stricken, and such other and further relief as this Court deems

just and proper.

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Pursuant to CPLR §2214(b), answering affidavits, if any, are required to be served upon the undersigned at least seven days before the return date of this motion.

DATED: April 20, 2022

Buffalo, New York

JOHN P. FEROLETO, ESQ.

FEROLETO LAW

Attorneys for Plaintiffs 438 Main Street, Suite 910 Buffalo, New York 14202 Telephone: (716) 854-0700

TO: PAUL G. JOYCE, ESQ.
MARC S. SMITH, ESQ.
COLUCCI & GALLAHER, P.C.

Attorneys for Defendant The Town of Tonawanda Police Department o/b/o The Town of Tonawanda 2000 Liberty Building 424 Main Street Buffalo, New York 14202 Telephone: (716) 853-4080

CC: BRITTANY L. HANNAH, ESQ. SUGARMAN LAW FIRM, LLP

Attorneys for Speedway LLC 211 West Jefferson Street, Suite 20 Syracuse, New York 13202 Telephone: (315) 474-2943 FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 8121:23-CV-00419-WMS-MJR DOCUMENT 1-15 FIRED 05/11/23 Page 3 of 271 NYSCEF: 04/20/2022

STATE OF NEW YORK SUPREME COURT: COUNTY OF ERIE

ERIC C. MARTIN,

Plaintiff,

MEMORANDUM OF LAW

v.

Index No: 808523/2021

TOWN OF TONAWANDA POLICE DEPARTMENT o/b/o the TOWN OF TONAWANDA,

SPEEDWAY, LLC,

JOHN DOE #1, 2, 3, 4, 5, 6, 7, 8 as employees of Defendant, TOWN OF TONAWANDA POLICE DEPARTMENT,

Defendants.

This memorandum is submitted in support of Plaintiff Eric Martin's motion to compel responses to discovery requests made to the Town of Tonawanda Police Department o/b/o the Town of Tonawanda. The facts are provided in the April 20, 2022 affirmation of John Feroleto, Esq.

CPLR 3101 PROVIDES FOR BROAD AND LIBERAL DISCLOSURE

N.Y. C.P.L.R. 3101 is liberally construed to require disclosure where the matter sought will assist preparation for trial by sharpening the issues and reducing delay and prolixity. Thus, restricted only by a test for materiality of usefulness and reason, pretrial discovery is to be encouraged. *Hoenig v. Westphal*, 52 N.Y.2d 605 (1981); *Allen v. Crowell-Collier Publ. Co.*, 21 N.Y.2d 403, 406 (1968).

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Plaintiff served his discovery demands September 7, 2021. Plaintiff's various Omnibus Demands included specific requests materially related to the issues that are the subject of this litigation. The disclosure is necessary for the proper prosecution of this action.

In its response to plaintiff's discovery demands, defendant Town of Tonawanda's response includes objections to 18 of Plaintiff's 21 discovery demands, with boilerplate language of "overbroad, unduly burdensome," "duplicative," and "not relevant to or reasonably related to the causes of action or defenses raised in the instant action."

Questions as to discovery should be clear and easily identifiable. Plaintiff requests an order that defendant comply with CPLR 3122(b) and indicate the specific legal grounds for withholding requested documentation, including:

- (1) the type of document;
- (2) the general subject matter of the document;
- (3) the date of the document; and
- (4) such other information as is sufficient to identify the document.

Proper responses consistent with CPLR 3122(b) will assist in fettering out and resolving discovery questions. An order directing Defendant to comply with CPLR 3122 (b) is requested.

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REPEAL OF CRL §50-a MANDATES DISCLOSURE BY DEFENDANTS

The legislative purpose underlying Civil Rights Law §50-a was to protect the specified officers from use of records—including unsubstantiated and irrelevant complaints of misconduct—as means for harassment and reprisals and for purposes of cross-examination by plaintiff's counsel during litigation. (NY CLS Civ R §50-a).

However, due to the interpretation of §50-a, records of complaints and findings of law enforcement misconduct that had not resulted in criminal charges against officers became almost entirely inaccessible to the public or to victims of police brutality, excessive use of force, or other misconduct. The State Committee on Open Government realized that §50-a "[created] a legal shield that prohibits disclosure, even when it is known that misconduct has occurred." https://www.nysenate.gov/legislation/bills/2019/S8496

The New York State legislature found that the repeal of §50-a would help the public regain trust that law enforcement officers and agencies may be held accountable for misconduct. As such, §50-a was effectively repealed on June 12, 2020. https://www.nysenate.gov/legislation/bills/2019/S8496; https://www.nysenate.gov/newsroom/press-releases/senate-majority-advances-

policing-reforms-legislative-package

In repealing §50-a, the New York State legislature has intended to maintain broad disclosure requirements to ensure public access to information on issues that involved potential misconduct by those acting under the color of state law. As this

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circumstance involves such potential misconduct, defense counsel is obligated under the laws of New York State to disclose such materials.

Defense counsel Paul Joyce has not indicated whether such files and audio exist. This is one example of why compliance with CPLR 3122(b) is proper and necessary.

In his **February 23, 2022** letter, defense counsel Mr. Joyce argues disciplinary files are not discoverable and are an unwarranted invasion of personal privacy, citing Public Officers Law (POL). However, POL §89(2)(b) only allows for redaction of certain specific information such as personal references of applicants for employment, certain medical information, and names and addresses which might be used for solicitation or fundraising purposes.

POL Section 87 allows for broad disclosure of public agency records. Section 89(2)(b) allows certain types of information of a personal nature to be redacted. The reactions should be limited, and the rejecting agency has the burden of showing the information requested includes unwarranted information of a personal nature by clearly identified exceptions provided in Public Officer's Law §89(2).

§89(2)(b) provides that an unwarranted invasion of personal privacy includes:

- i. disclosure of employment, medical or credit histories or personal references of applicants for employment;
- ii. disclosure of items involving the medical or personal records of a client or patient in a medical facility;
- iii. sale or release of lists of names and addresses if such lists would be used for solicitation or fund-raising purposes;

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- iv. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information nis not relevant to the work of the agency requesting or maintaining form a taxpayer under §141 of the real property tax law;
- v. disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency;
- vi. information of a personal nature contained in a workers' compensation record; and
- vii. disclosure of electronic contact information, such as an e-mail address or a social network username that has been collected from a taxpayer under section one hundred four of the real property tax law

Defense counsel's position that "unsubstantiated and disputed complaints" are exempt from disclosure is inaccurate in description and incorrect in the law. His basis for non-disclosure does not fall within the scope of the enumerated exceptions.

Plaintiff does not seek personal information such as home addresses, emails, information to be used for solicitation or fundraising purposes, etc. The disciplinary materials and audio are discoverable, with appropriate redaction, if any.

As discussed in Buffalo Police Benevolent Assn., Inc. v. Brown, the Buffalo Police union argued that "unsubstantiated allegations" are protected from disclosure, similarly arguing that a "judicial consensus" on such disclosures predates and is independent of the statutory protection once afforded by §50-a." Buffalo Police Benevolent Assn., Inc. v. Brown, 69 Misc. 3d 998, 1000 (2020).

In making its ruling, the court provided that any strike that will serve as a blanket prohibition on the release of any and all information regarding any

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complaint deemed "unsubstantiated" would be an inappropriate and drastic remedy. Accordingly, the court held that in light of the repeal of §50-a, such a standard automatically precluding the disclosure of "unsubstantiated" records is inconsistent with both the Federal and State Constitutions. Buffalo Police Benevolent Assn., Inc. v. Brown, 69 Misc. 3d, 1004.

Moreover, "[t]he legislative intent in repealing §50-a was to make law enforcement disciplinary records available. The definition of 'law enforcement disciplinary records' is expansive and inclusive. It does not distinguish between unfounded, exonerated, substantiated or unsubstantiated." People v. Herrera, 2021 N.Y. Misc. LEXIS 1428, pg. 11 (2021), citing to People v. Cooper, 71 Misc. 3d 559, (2021).

Defense counsel provides only conclusory statements absent a factual basis for non-disclosure. "A police department may not merely paraphrase the statutory language of the exemptions without describing the records withheld or providing any factual basis for its conclusory assertions that disclosure would constitute an unwarranted invasion of personal privacy." *Matter of McFadden v. Fonda*, 148 A.D.3d 1430 (2017).

Ultimately, in the absence of any proof establishing the applicability of any enumerated categories, the determination of whether disclosure of the information sought constitutes an unwarranted privacy invasion requires a balancing of the privacy interests at stake against the public interest in disclosure of the

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information. Matter of Harbatkin v. New York City Dept. of Records & Info. Servs., 19 NY3d 373, 380, (2012).

When applying this balancing test, it is evident that the alleged privacy interference is significantly outweighed by the public interest in the disclosure of the requested documentation. This information is materially relevant and is necessary in the effective prosecution of the issues at hand.

The refusal to produce the disciplinary discovery, or even acknowledge that it exists is prejudicial and obstructive.

The information is necessary for the proper prosecution of this action. This is an example as to why CPLR 3122(b) was enacted and must be complied with.

Plaintiff requests an order directing Defendant to produce the disciplinary materials within 30 days of the date of this motion.

TRAINING MATERIAL MUST BE DISCLOSED

Plaintiff has sought training information for use of force, etc. for "the individuals involved." The individuals involved are the officers listed on the Tonawanda Police Department criminal complaint against Eric Martin. They are officers IENCO, LAUGEMAN, VALINT, HEFT, SCRANTON and MUSCOREIL, as identified in the Tonawanda Police Department complaint #20 – 225084 filed against Eric Martin. See Feroleto Aff. at Ex. 4 at Bates TTPD00008.

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The Town of Tonawanda's attorney, Paul Joyce claims training material cannot be provided because Mr. Joyce doesn't know who the Tonawanda Police Department personnel listed as John Doe in the above caption are.

An order is requested directing the Town of Tonawanda to produce training material regarding TPD personnel officers IENCO, LAUGEMAN, VALINT, HEFT, SCRANTON and MUSCOREIL, and documents referring or relating to the use of force, probable cause, bias, and implicit bias for the period August 1, 2010 through July 30, 2020, within 30 days of the date of this motion.

THE DEFENDANT MUST PROVIDE FULL DISCLOSURE

The Defendant must provide full disclosure consistent with CPLR Article 31, and he has the burden of proof in showing evidence is non-discoverable. As an example, the Email of Lieut. Thomas Moore has not been provided. It could be one email, or more items that were not provided. Defendant is in a position to identify what discovery items exist and identify reasons for nondisclosure, consistent with CPLR 3122(b)

An order is requested that Defendant Town of Tonawanda provide within 30 days of the date of this motion:

i. Training Material provided to or available to TPD personnel IENCO, LAUGEMAN, VALINT, HEFT, SCRANTON and MUSCOREIL and the use of force, probable cause, bias, implicit bias for the period August 1, 2010 through July 30, 2020. FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 Case 1.23-cv-00419-WMS-MJR Document 1-15 Filed 05/11/23 Page 11 of 271 NYSCEF: 04/20/2022

- Disciplinary Records and audio relating to the above individuals or the matter involving Eric Martin,
- iii. Discovery previously not disclosed,
- iv. Responses identifying which paragraph of Plaintiffs Request is being responded to by Defendant Tonawanda, or that materials responsive to a request do not exist, consistent with CPLR 3122(b).

DATED: April 20, 2022

Buffalo, New York

JOHN P. FERØLETO, ESQ.

FEROLETO LAW

Attorneys for Plaintiffs 438 Main Street, Suite 910 Buffalo, New York 14202 Telephone: (716) 854-0700

TO: PAUL G. JOYCE, ESQ.
MARC S. SMITH, ESQ.
COLUCCI & GALLAHER, P.C.

Attorneys for Defendant The Town of Tonawanda Police Department o/b/o The Town of Tonawanda 2000 Liberty Building 424 Main Street Buffalo, New York 14202 Telephone: (716) 853-4080

CC: BRITTANY L. HANNAH, ESQ. SUGARMAN LAW FIRM, LLP

Attorneys for Speedway LLC 211 West Jefferson Street, Suite 20 Syracuse, New York 13202 Telephone: (315) 474-2943 FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 131.23-CV-00419-WMS-MJR DOCUMENT 1-15 Filed 05/11/23 Page 12 of 271 NYSCEF: 04/20/2022

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

ERIC C. MARTIN,

Plaintiff,

AFFIRMATION IN
SUPPORT OF MOTION TO
COMPEL

 \mathbf{v}_{\bullet}

Index No: 808523/2021

TOWN OF TONAWANDA POLICE DEPARTMENT o/b/o the TOWN OF TONAWANDA,

SPEEDWAY, LLC,

JOHN DOE #1, 2, 3, 4, 5, 6, 7, 8 as employees of Defendant, TOWN OF TONAWANDA POLICE DEPARTMENT,

Defendants.

JOHN P. FEROLETO., ESQ., hereby states and affirms under the penalties of perjury as follows:

- 1. Your Affiant is an attorney duly licensed in the State of New York and represents the Plaintiff Eric Martin in the above-captioned matter. As such, I am fully familiar with the facts and circumstances herein.
- 2. This Affirmation is submitted in support of Plaintiff, Eric Martin's motion to compel discovery pursuant to CPLR §§ 3124 and 3126.

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PROCEDURAL HISTORY

- 3. Plaintiff served Notice of Claim on the Town of Tonawanda on October 1, 2020 by way of Certified Mail Return Receipt Requested. Your Affiant received a post office receipt signed by Brian Mayo on October 2, 2020 and two (2) post office receipts signed by M. Greco on October 3, 2020. Exhibit 1
- 4. Plaintiff then served an Amended Notice of Claim on the Town of Tonawanda on October 22, 2020 by way of Certified Mail Return Receipt Requested. Your Affiant received three (3) post office receipts signed by M. Greco on October 24, 2020. Ex. 1.
- 5. Mr. Martin testified December 7, 2020 pursuant to 50 H of the General Municipal Law and Rules. See Martin 50H Hr'g Tr. December 7, 2020 annexed hereto as "Exhibit 2".
- 6. Action was commenced June 29, 2021 by way of filing a Summons and Complaint within the New York State Courts Electronic Filing ("NYSCEF") as Docket No. 1. Issue was joined by Defendant, SPEEDWAY LLC, (Speedway) July 21. 2021, Docket No. 7. Issue was joined by Defendant, TOWN OF TONAWANDA, o/b/o the TOWN of TONAWANDA POLICE DEPARTMENT (TPD) August 2, 2021, Docket No. 8. Defendant, TOWN OF TONAWANDA, filed its answer to cross claims of Co-Defendants on September 10, 2021 as Docket No. 9
- 7. September 7, 2021 Request for Documents and Discovery and Omnibus Discovery Demands were made upon Defendant Town of Tonawanda. See

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Plaintiff's Various Discovery Demands annexed hereto as "Exhibit 3". November 2, 2021 the Town of Tonawanda responded. See Various Discovery Responses of Defendant Town of Tonawanda annexed hereto as "Exhibit 4".

BACKGROUND

- 8. This action arises out of a July 9, 2020 incident where Plaintiff, Eric C. Martin, went to the Speedway convenient store located at 535 Kenmore Avenue, Tonawanda, New York ("Speedway") to redeem two New York State lottery tickets he purchased at the same Speedway.
- 9. Mr. Martin's last lottery ticket purchase at the Speedway location was July 7, 2020. The tickets were \$30 "Colossal Cash" lottery tickets which provided a \$50 payout each.
- 10. July 9, 2020 Mr. Martin returned to the Speedway store with his wife, son, and daughter to redeem his two winning tickets, on the way to his father's house. Ex. 2 at 17-18.
- 11. Mr. Martin gave the two tickets to the cashier; when scanned, one ticket went off with the winning sound, the other didn't. *Id.* at 19:2-16. An error code came up.
- 12. The Speedway store manager, Debra Kruder told Mr. Martin she was calling the New York State Lottery. Instead, she called the Tonawanda Police Department (hereinafter "TPD") and stated "Hi, my name is Deb Kruder and I was at the convenience store that got robbed, uh, I want to say the night before... last

Tuesday morning 2:30. I have a lottery ticket here that says claim at lottery and I do believe that this is a stolen ticket and somebody's trying to cash it." She recognized the ticket as from the batch that was stolen yesterday. See Audio of Debra Kruder annexed hereto as "Exhibit 5"; see also Ex. 4 at p. 39, Supporting Deposition of Debra Kruder (marked TTPD00017).

- 13. There had been a smash and grab burglary at approximately 2:00 a.m.
 July 8, 2020, the night before. Ex. 4 at p. 24-26 (marked TPD00002-00004).
- 14. TPD Lieutenant Brian Valint arrived at the scene; he told Mr. Martin that he was in possession of stolen property. See Bodycam video of TPD Officer, Brian Valint annexed hereto as "Exhibit 6" at 35-40 seconds; 6:13 to 6:16 seconds. Mr. Martin explained that he purchased the ticket at the same Speedway, frequently buys lottery tickets at the location, and that this could be shown by checking the store video. Id. at 1:00 1:11 seconds.
- 15. Assuming arguendo, the TPD had sufficient evidence to charge Mr. Martin with a class A misdemeanor, New York Penal Law 165.40, Criminal Possession of Stolen Property in the 5th degree. Upon information and belief, an appearance ticket should have been issued to Mr. Martin at the Speedway store.
- 16. Mr. Martin was willing to meet with the TPD personnel at the station; he didn't want to get into the back of the cop car because he had his kids outside along with his wife and didn't want them to see an image of him being put in the

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back of the cop car. He thought he and the officers might be able to come to an agreement or work something out Ex. 2 at p. 35-36.

- 17. Four TPD police personnel surrounded Mr. Martin, wrestled him down to the ground, handcuffed him, and took him to TPD headquarters at 1835 Sheridan Drive, Tonawanda, NY. Ex. 6 at 6:20 7:40 seconds.
- 18. While at TPD headquarters, Mr. Martin was strip-searched. Ex. 2 at p. 36:13-15.
- 19. Upon information and belief, the strip search of Mr. Martin was improper, illegal, and in violation of laws of New York State, and the United States.
- 20. At the TPD headquarters, Mr. Martin was given an appearance ticket and released with charges of violating New York Penal Law 165.40, Criminal Possession of Stolen Property in the 5th degree, and Penal Law 205.30 Resisting Arrest, both class A misdemeanors. Ex. 4 at p. 36-37 (marked as TPD00014-00015).

DETERMINING IF THE LOTTERY TICKET WAS STOLEN

21. Five days after Mr. Martin was taken down, arrested and stripsearched, on July 14, 2020, Speedway District Manager Elizabeth Marvel, contacted TPD Detective Lieutenant Thomas Moore requesting that Detective Moore scan the lottery ticket and email images to Elizabeth Marvel so Ms. Marvel could contact the New York State Lottery to determine which \$30 Colossal Cash scratch-off lottery tickets were stolen July 8, 2020. *Id.* at p. 32 (marked as TPD00010).

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- 22. Later on July 14, 2020 Ms. Marvel, after checking with the New York State lottery, contacted TPD Lt. Moore advising that Eric Martin legally purchased the ticket in question at 14:18 hours on July 7, 2020 at the Speedway store, 535 Kenmore Avenue Id.
- 23. On July 21, 2020 Speedway Manager Deb Kruder provided a statement. As to the ticket in question, Ms. Kreuder reported as to the lottery ticket: "the ticket came up to go to the lottery office to cash the ticket"

 Instead, she called the TPD, who came and the above described events occurred. See July 21, 2020 Statement of Deb Kruder annexed hereto as "Exhibit 7".
- 24. Before commencement of action, on August 5, 2020 Plaintiff made a Freedom of Information Law (FOIL) request to the Town of Tonawanda and for documents and video imaging of the arrest. See Plaintiff's FOIL Request annexed hereto as "Exhibit 8". The Town of Tonawanda responded August 18, 2020, attached hereto as "Exhibit 9" is a list of what was provided.

DISCOVERY REQUESTS

- 25. **September 7, 2021** Plaintiff served discovery demands in this action on Defendant Tonawanda. Ex. 3
- 26. November 2, 2021, Defendant Tonawanda responded. Some documents were provided. However, portions of what was requested was responded to by the Defenant in boilerplate denials or vauge responses. Ex. 4 at p. 1-15.

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- 27. On January 26, 2022, your Affiant spoke with Mr. Joyce in a good faith effort to resolve the discovery questions without court intervention.
- 28. By January 27, 2022 correspondence, your Affiant asked Defense counsel Paul Joyce to identify what requested items were privileged or otherwise non-discoverable to ferret out and resolve potential discovery disputes. Mr. Joyce was asked to provide a response consistant with CPLR 3122(b) and a privilege log. See Mr. Feroleto letter to Mr. Joyce dated January 27, 2022 annexed hereto as "Exhibit 10".
 - 29. This request included:

Documents and audio regarding disciplinary hearings that occurred as a result of the incident with Eric Martin;

Documents referring or relating to personal training on use of force, probable cause, bias, implicit bias, including requirements or references to courses required to be taken by the TPD personnel involved in the matter with Eric Martin.

Complete responses and compliance with CPLR 3122(b)

- 30. February 23, 2022, Mr. Joyce responded by letter stating he has fully complied with the discovery requests and complied with CPLR 3122(b). See Joyce letter to Mr. Joyce letter to Mr. Feroleto dated February 23, 2022 annexed hereto as "Exhibit 11".
- 31. Defense counsel has refused to comply with Plaintiff's discovery requests.

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DEFENDANTS DISCIPLINARY MATERIAL AND AUDIO MUST BE DISCLOSED

- 32. As discussed it the Memorandum of Law filed with this Motion, June 12, 2020, Civil Rights Law Section 50(a), which previously prevented disclosure of police personnel files was repealed, allowing access to police personnel and disciplinary files.
- 33. Public Officers Law Section 87 allows for broad disclosure of public agency records. Section 89 (2)(b) allows certain types of information of a personal nature to be reducted.
- 34. The rejecting agency has the burden of showing the information requested may include unwarranted information of a personal nature by clearly identified exceptions provided in Public Officer's Law §89(2). The disclosure is meant to be broad and must be limited.
- 35. §89(2)(b) provides that an unwarranted invasion of personal privacy includes:
 - i. disclosure of employment, medical or credit histories or personal references of applicants for employment;
 - ii. disclosure of items involving the medical or personal records of a client or patient in a medical facility;
 - iii. sale or release of lists of names and addresses if such lists would be used for solicitation or fund-raising purposes;
 - iv. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information nis not relevant to the work of the

- agency requesting or maintaining form a taxpayer under §141 of the real property tax law;
- v. disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency;
- vi. information of a personal nature contained in a workers' compensation record; and
- vii. disclosure of electronic contact information, such as an e-mail address or a social network username that has been collected from a taxpayer under section one hundred four of the real property tax law.
- 36. Upon information and belief, evidence, including disciplinary hearings, and audio recording of hearings, exist, arising from the TTP actions involving Eric Martin.
- 37. By February 23, 2022 letter, Defense counsel Joyce argued disciplinary files are not discoverable as an "unwarranted invasion of personal privacy", citing Public Officers Law 89(2)(b). Ex. 11 However, Public Officers Law \$89(2)(b) only allows for redaction of specific information enumerated above.
- 38. Defense counsel's generalized assertion that "unsubstantiated and disputed complaints" are exempt from disclosure is inaccurate and does not fall within the scope of these exceptions.
- 39. As discussed in Buffalo Police Benevolent Assn., Inc. v. Brown, the Buffalo Police union argued that "unsubstantiated allegations" are protected from disclosure, similarly arguing that a "judicial consensus" on such disclosures predates and is independent of the statutory protection once afforded by §50-a." Buffalo Police Benevolent Assn., Inc. v. Brown, 69 Misc. 3d 998, 1000 (2020).

- as a blanket prohibition on the release of any and all information regarding any complaint deemed "unsubstantiated" would be an inappropriate and drastic remedy. Accordingly, the court held the repeal of §50-a, such a standard automatically precluding the disclosure of "unsubstantiated" records is inconsistent with both the Federal and State Constitutions. Buffalo Police Benevolent Assn., Inc. v. Brown, 69 Misc. 3d, 1004. See Plaintiff's accompanying Memorandum of Law submitted in support.
- 41. Plaintiff does not oppose redaction of specific information enumerated in POL 89(2)(b), should it be warranted. The evidence of the disciplinary hearing is discoverable. It is material is necessary for the proper prosecution of this action.
- 42. The refusal by Mr. Joyce to acknowledge even whether such material exists is an example of why compliance with CPLR 3122(b) is necessary.

TRAINING MATERIAL MUST BE DISCLOSED

43. Plaintiff has sought training information for use of force, etc. for "the individuals involved." The individuals involved are officers listed on the TPD criminal complaint# 20-2224888 filed against Eric Martin, they are TPD officers IENCO, LAUGEMAN, VALINT, HEFT, SCRANTON and MUSCORIEL. Ex. 4 at p. 8.

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44. Defense Counsel Paul Joyce argues that training material cannot be provided because Mr. Joyce doesn't know who the John Does listed in the caption are.

45. An order is requested directing the defendant Town of Tonawanda to produce training material provided TPD personnel officers IENCO, LAUGEMAN, VALINT, HEFT, SCRANTON and MUSCORIEL and that the TPD and Town of Tonawanda produce documents or items referring or relating to the use of force, probable cause, bias, implicit bias for the period August 1, 2010 through July 30, 2020.

BOILERPLATE OBJECTIONS AND VAGUE DENIALS ALLOW DEFENDANT TO EVADE PROPEER DISCOVERY

- 46. The boilerplate objections relied upon by defendant do not allow Plaintiff to know what discovery may exist or was not provided. One example is shown at Ex. 4 at TTPD00010 which refers to emails in regards to the lottery tickets.
- 47. July 22, 2020, Lt. Detective Thomas Moore entered his interaction with Speedway District manager Elizabeth Marvel, in the Police Narrative. It indicates Mr. Moore scanned and emailed images of both the front and back of the scratch off ticket in question. Ex. 4 at p. 32 (marked as TTPD00010). A copy of Ms. Marvel's email, was provided.
- 48. Detective Moore's email and attachment, has not been provided. It may be one email and attachment were not provided, or other emails or items have

not been provided, which plaintiff is unaware of. Plaintiff is not in a position to know what evidence exists, Defendant is.

49. As such, an order is requested that defendant fully respond to plaintiff's request for documents and discovery, comply with CPLR § 3122(b), and identify discovery withheld with a privilege log identifying the reason discovery is withheld.

WHEREFORE, the Plaintiff respectfully requests an Order of this Court compelling the Defendant to provide responses to Plaintiff's outstanding discovery demands including:

- i. Training Material provided to or available to TPD personnel IENCO, LAUGEMAN, VALINT, HEFT, SCRANTON and MUSCORIEL and the use of force, probable cause, bias, implicit bias for the period August 1, 2010 through July 30, 2020.
- Disiplinary Records and audio relationg to the above individuals or the matter involving Eric Martin,
- iii. Discovery previously not disclosed,
- iv. Responses identifying which paragraph of Plaintiffs Request is being responded to by Defendant Tonawanda, or that materials responsive to a request do not exist, consistant with CPLR 3122(b),

within 30 days of the date of this Motion or Defendant Tonawanda's Answer be stricken; and such other and further relief as this Court deems just and proper.

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021

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NYSCEF: 04/20/2022

DATED: April 20, 2022

Buffalo, New York

JOHN P. FEROLETO, ESQ.

FEROLETO LAW

Attorneys for Plaintiffs 438 Main Street, Suite 910 Buffalo, New York 14202 Telephone: (716) 854-0700

TO: PAUL G. JOYCE, ESQ.
MARC S. SMITH, ESQ.
COLUCCI & GALLAHER, P.C.

Attorneys for Defendant The Town of Tonawanda Police Department o/b/o The Town of Tonawanda 2000 Liberty Building 424 Main Street Buffalo, New York 14202 Telephone: (716) 853-4080

CC: BRITTANY L. HANNAH, ESQ. SUGARMAN LAW FIRM, LLP

Attorneys for Speedway LLC 211 West Jefferson Street, Suite 20 Syracuse, New York 13202 Telephone: (315) 474-2943 FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 141.23-CV-00419-WMS-MJR DOCUMENT 1-15 Filed 05/11/23 Page 25 of 271 NYSCEF: 04/20/2022

STATE OF	NEW	YORK		
SUPREME	COUR	RT :	COUNTY OF ERIE	

ERIC C. MARTIN,

NOTICE OF CLAIM

Claimant,

v.

TOWN OF TONAWANDA NEW YORK POLICE DEPARTMENT, on behalf of the TOWN OF TONAWANDA, NEW YORK,

Respondents.

PLEASE TAKE NOTICE, that ERIC C. MARTIN, the Claimant, by his attorney, John Feroleto, with offices located at 438 Main Street, Suite 910, Buffalo, New York 14202, hereby make claim against the TOWN OF TONAWANDA POLICE DEPARTMENT, THROUGH ITS PERSONNEL WHOSE NAMES ARE CURRENTLY UNKNOWN, on behalf of the TOWN OF TONAWANDA, a municipal corporation, for damages sustained as follows:

- Claimant, ERIC C. MARTIN, born on January 14, 1990, resides at 191 Brinton
 Street, Buffalo, New York 14216.
- 2. The incident occurred on the 9th day of July at approximately 1:30 p.m. at the Speedway convenient store, located at 535 Kenmore Avenue, Tonawanda, New York 14223.
- 3. The nature of the claim is for medical bills, pain, and physical injury, violation of rights afforded by 42 U.S.C. §1983, and other established rules and procedures, for wrongful arrest, unnecessary force, imprisonment, humiliation and unlawful search under the color of law, and in violation of the Constitution of the State of New York and the United States and other established rules and procedures.
- 4. On July 9, 2020, at approximately 1:30 p.m., while lawfully at the retail establishment known as Speedway, 535 Kenmore Avenue, Tonawanda, New York 14223, with his

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wife and children, a retail establishment frequented by ERIC C. MARTIN, as a law abiding retail customer, the TOWN OF TONAWANDA POLICE DEPARTMENT unnecessarily restrained, detained and arrested Mr. Martin, handcuffed him, and took him to the TOWN OF TONAWANDA POLICE DEPARTMENT at 1835 Sheridan Drive, Tonawanda, New York and strip searched him before releasing him. Mr. Martin was at the Speedway store with his family to redeem a \$50 pay out on a \$30 New York State lottery ticket he purchased the day before, July 8, 2020, at the same

5. As a result of the above Mr. MARTIN suffered humiliation, trauma, and physical injuries to his left shoulder, neck, body and head. Medical expenses have accumulated, the exact amount of which is not presently available.

Speedway store, located at 535 Kenmore Avenue, Tonawanda, New York.

WHEREFORE, the Claimant requests compromise of this claim and if such claim is not paid within a reasonable period of time, it is the intention of the claimant to commence an action against the TOWN OF TONAWANDA POLICE DEPARTMENT, and TOWN OF TONAWANDA, NEW YORK.

DATED:

Buffalo, New York September 30, 2020

JOHN/FEROLETO, ESO.

Mill

FEROLETO LAW

Attorneys for Claimant 438 Main Street, Suite 910 Buffalo, New York 14202

Telephone: (716) 854-0700

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 808523/2021 NYSCEF DOC. NO. 808523/2022

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS.
CITY OF BUFFALO)

ERIC C. MARTIN, JR., being duly sworn deposes and says he is the Claimant in the above-entitled action; he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to matters therein stated to be alleged upon information and belief, and that as to those matters, he believes them to be true.

EME Ć. MARTIN, JR.

Sworn to before me this 3010 day of September 2020.

ctary Public

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FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 100 NYSCEF DOC. NO. 100 NYSCEF: 04/20/2022

SENDER: COMPLETE THIS SECTIC, V	COMPLETE THIS SECTION ON DELIVERY	
 ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Town Supervisor Joseph H. Emminger 2919 Delaware Ave Room 11 Tonawanda, NY 14217 	A. Signature X Agent Addressee B. Received by (Printed Name) C. Date of Delivery 10 2 2D D. Is delivery address different from Item 1? Yes If YES, enter delivery address below: No	
9590 9402 3522 7275 1982 92 2. Article Number (Transfer from service label) 7014 2120 0004 7251 6190	3. Service Type □ Adult Signature □ Adult Signature Restricted Delivery □ Certified Mall® □ Certified Mall Restricted Delivery □ Collect on Delivery □ Insured Mall Restricted Delivery (over \$500) □ Priority Mall Express® □ Registered Mall TM □ Registered Mall Restricted Delivery □ Return Receipt for Merchandise □ Signature Confirmation™ □ Signature Confirmation Restricted Delivery	
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt	

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
 Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X M. Lie CO PAgent D Addressee B. Received by (Printed Name) C. Date of Delivery C. C. Date of Delivery
Article Addressed to:	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
Town Clerk Marguerite Greco 2919 Delaware Ave Room 14 Tonawanda, NY 14217	
9590 9402 3522 7275 1979 98	3. Service Type □ Adult Signature □ Adult Signature Restricted Delivery □ Certified Mail® □ Certified Mail Restricted Delivery □ Collect on Delivery □ Collect on Delivery
2. Article Number (Transfer from service label) 7014 2120 0004 7251 6163	☐ Collect on Delivery Restricted Delivery ☐ Insured Mall ☐ Insured Mall Restricted Delivery (over \$500) ☐ Collect on Delivery ☐ Signature Confirmation ☐ Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 141.23-CV-00419-WMS-MJR DOCUMENT 1-15 Filed 05/11/23 Page 31 of 271 RECEIVED NYSCEF: 04/20/2022

STATE OF NEW YO	RK	
SUPREME COURT	:	COUNTY OF ERIE

ERIC C. MARTIN,

AMENDED NOTICE OF CLAIM

Claimant,

٧.

TOWN OF TONAWANDA NEW YORK POLICE DEPARTMENT, on behalf of the TOWN OF TONAWANDA, NEW YORK,

Respondents.

PLEASE TAKE NOTICE, that ERIC C. MARTIN, the Claimant, by his attorney, John Feroleto, with offices located at 438 Main Street, Suite 910, Buffalo, New York 14202, hereby make claim against the TOWN OF TONAWANDA POLICE DEPARTMENT, THROUGH ITS PERSONNEL WHOSE NAMES ARE CURRENTLY UNKNOWN, on behalf of the TOWN OF TONAWANDA, a municipal corporation, for damages sustained as follows:

- 1. Claimant, ERIC C. MARTIN, born on January 14, 1990, resides at 191 Brinton Street, Buffalo, New York 14216.
- 2. The incident occurred on the 9th day of July at approximately 1:30 p.m. at the Speedway convenient store, located at 535 Kenmore Avenue, Tonawanda, New York 14223.
- 3. The nature of the claim is for medical bills, pain, and physical injury, violation of rights afforded by 42 U.S.C. §1983, and other established rules and procedures, for wrongful arrest, unnecessary force, imprisonment, humiliation and unlawful search under the color of law, and in violation of the Constitution of the State of New York and the United States and other established rules and procedures.

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4. On July 9, 2020, at approximately 1:30 p.m., while lawfully at the retail

establishment known as Speedway, 535 Kenmore Avenue, Tonawanda, New York 14223, with his

wife and children, a retail establishment frequented by ERIC C. MARTIN, as a law abiding retail

customer, the TOWN OF TONAWANDA POLICE DEPARTMENT unnecessarily restrained,

detained and arrested Mr. Martin, handcuffed him, and took him to the TOWN OF TONAWANDA

POLICE DEPARTMENT at 1835 Sheridan Drive, Tonawanda, New York and strip searched him

before releasing him. Mr. Martin was at the Speedway store with his family to redeem a \$50 pay out

on a \$30 New York State lottery ticket he purchased the day before, July 8, 2020, at the same

Speedway store, located at 535 Kenmore Avenue, Tonawanda, New York.

5. As a result of the above Mr. MARTIN suffered humiliation, trauma, and physical

injuries to his left shoulder, left knee, neck, body and head. Medical expenses have accumulated, the

exact amount of which is not presently available.

WHEREFORE, the Claimant requests compromise of this claim and if such claim is not

paid within a reasonable period of time, it is the intention of the claimant to commence an action

against the TOWN OF TONAWANDA POLICE DEPARTMENT, and TOWN OF

TONAWANDA, NEW YORK.

DATED:

Buffalo, New York

October, 2020

JOHN FEROLETO, ESQ.

FEROLETO LAW

Attorneys for Claimant 438 Main Street, Suite 910

Buffalo, New York 14202

Telephone: (716) 854-0700

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VERIFICATION

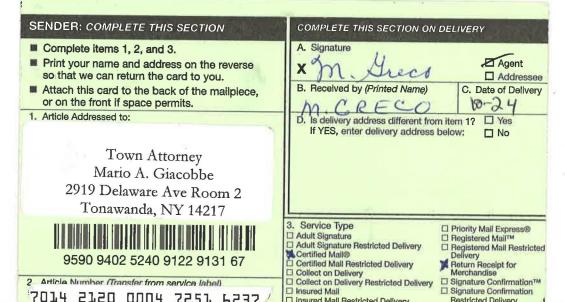
STATE OF NEW YORK)
COUNTY OF ERIE) SS.
CITY OF BUFFALO)

ERIC C. MARTIN, JR., being duly sworn deposes and says he is the Claimant in the above-entitled action; he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to matters therein stated to be alleged upon information and belief, and that as to those matters, he believes them to be true.

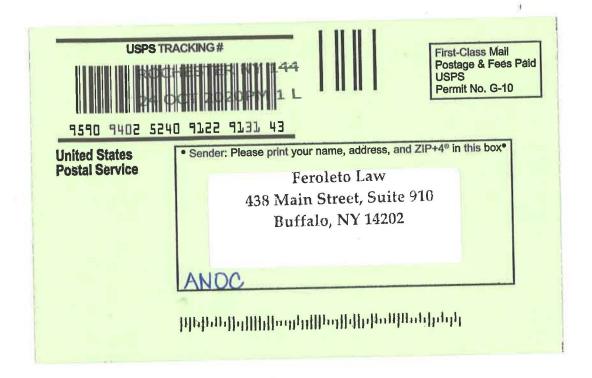
Sworn to before me this 22 nd day of October 2020.

Mega Male Bachard
Notary Public (Commards)

Agent ☐ Addressee C. Date of Delivery 10-24 D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No ☐ Priority Mail Express® ☐ Registered Mall™ ☐ Registered Mall Restricted Delivery Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery Domestic Return Receipt



PS Form 3811, July 2015 PSN 7530-02-000-9053





FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 35 1:23-CV-00419-WMS-MJR DOCUMENT 1-15 Filed 05/11/23 Page 36 of 271 RECEIVED NYSCEF: 04/20/2022

ERIC MARTIN

._____

IN THE MATTER OF THE CLAIM OF

ERIC C. MARTIN,

Claimant,

-vs

TOWN OF TONAWANDA, NEW YORK POLICE DEPARTMENT on Behalf of The TOWN OF TONAWANDA, NEW YORK

Respondent.

Oral Examination of ERIC

MARTIN, taken pursuant to Section 50-h of the

General Municipal Law and Rules, taken by means
of Remote Video, the witness being present at 191

Brinton Street, North Buffalo, New York 14216,
taken on DECEMBER 7, 2020, commencing at 12:10

p.m. Before DEBORAH F. TERRANOVA, Notary Public.

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 35 1:23-CV-00419-WMS-MJR DOCUMENT 1-15 Filed 05/11/23 Page 37 of 271 RECEIVED NYSCEF: 04/20/2022 INDEX NO. 808523/2021 2 **APPEARANCES:** 1 2 FEROLETO LAW BY JOHN FEROLETO, ESQ., 3 438 Main Street, 910 Main Court Building, Buffalo, New York 14202. 4 Appearing via video conferencing 5 for the Claimant. 6 J. PATRICK LENNON 2919 Delaware Avenue, 7 Kenmore, New York 14217. Appearing via video conferencing 8 for the Respondents. 9 COURT REPORTER: Before we begin, will both parties stipulate pursuant to CPLR 3113 that 10 the witness can be sworn in even though he is 11 outside the presence of the court reporter? 12 13 MR. FEROLETO: Yes. MR. LENNON: Yes. 14 15 ERIC MARTIN, 191 Brinton 16 17 Street, Buffalo, New York 14216, after being 18 duly called and sworn, testified as follows: 19 EXAMINATION BY MR. LENNON: 20 21 22 Thank you. Good morning, Mr. Martin --Q. 2.3 Good morning.

Q. -- or good afternoon. My name is Pat Lennon.

I'm Deputy Town Attorney in the Town of

Tonawanda. I'm going to ask you some

questions this morning briefly about yourself

and then about the Notices of Claim that you

filed, okay?

A. Okay.

- Q. For the benefit of the court reporter, just a couple of ground rules, please wait until I'm done giving my question before you provide your answer, as it's difficult for her to take down two people at once, okay?
- A. Okay.
- Q. And please make sure all of your answers are audible. It's difficult for her to take down nods and shakes of the head, okay?
- 17 A. Okay.
- Q. If you start doing that, we'll have Mr.

 Feroleto kick you under the table, all right?
 - A. Gotcha.
 - Q. I don't think we're going to be too long today, but if in the event you need to use the men's room, take a break, whatever the

case is just stop us, let us know. You're not locked in there, all right?

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A. Okay.

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- Q. All right. Mr. Martin, prior to your testimony here this morning did you review any documents, photographs or videos in preparation of your testimony?
- A. Yes.
- 9 Q. What did you review in preparation of your deposition -- or your 50-h testimony today?
- 12 A. I just watched a video.
- 13 Q. And when did you watch that?
- 14 A. Last night.
- Q. And the video that you watched, where did you get that video?
- 17 A. I got it from John.
- 20 And I'm not allowed to -- I'm not privy to any of the conversations you had with

 Mr. Feroleto. That is one hundred percent attorney, client privilege, that's confidential, okay. So you got that from him?

A. Yes.

- Q. Do you know what the source of that video was, as to whether or not it was Speedway or it came from the Town of Tonawanda Police Department and if you don't know, you can say you don't know.
- 7 A. I don't know.
 - Q. And how long is the video that you watched?
 - A. I can't recall how long it was.
- 10 \ Q. And what does the video show?
 - A. Me and the gas station. The police at the gas station and the cashier. And the cashier's manager and a few other people in the background.
 - Q. Okay. I'm just going to ask that you preserve that video, sir, and if you got it from your attorney hopefully he has a copy too. And at the appropriate stage of this matter, we just ask for a copy of that, okay?
 - MR. FEROLETO: Pat, I can share with you the fact that we received it from your client -- from the police department, but I would be happy

to send you a copy of it.

- MR. LENNON: Thank you very much. I appreciate your courtesy. And I haven't seen any videos so I'm coming out of complete ignorance here.

 Okay. So --
- MR. FEROLETO: And I'll send that to you this week.
- 8 MR. LENNON: Yeah. Oh, yeah, no rush. Yeah.
- 9 MR. FEROLETO: I'll share it with you.
- MR. LENNON: Yeah, no rush. You know, I'm just -- that's just the way it is, no problem.
- 13 MR. FEROLETO: Okay. Sure.
- 14 BY MR. LENNON:

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- Q. And other then watching the video did you review any other paperwork, or documents, or photographs prior to your testimony here today?
- A. No. No photographs, no paperwork. No, I didn't look at anything.
 - Q. Mr. Martin, have you given any previous testimony regarding this incident at all?
 - A. Can't remember.

Q. Other then speaking to your attorney have you given any statements to anybody regarding this incident?

- A. Just close family.
 - Q. And have you given any written statements to anybody other then your attorney regarding this incident?
- A. No.

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- 9 Q. And as you sit here today, Mr. Martin, are
 10 you on any medication that would prevent you
 11 from understanding my question and providing
 12 answers?
- 13 A. No.
- 14 Q. All right. And what's your date of birth, sir?
- 16 A. January 14th, 1990.
- 17 Q. And how old does that make you today?
- 18 A. Thirty.
- 19 Q. And where do you reside?
- 20 A. 191 Brinton, Buffalo, New York 14216.
- Q. Okay. I promise that nobody else is going to ask you that today. Three times is enough.

23 And how long have you lived there?

About a year and a half now. Probably, Α. 1 around year and a half. 2

- And do you own that residence? Q.
- Α. Yes. 4

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- 5 And who do you live there with? Q.
- 6 Α. My family.
- 7 And who is in your family? Q.
- 8 Α. My wife and two kids.
- 9 Q. What's your wife's name?
- Ashley. 10 Α.
- 11 Last name, Martin? Q.
- 12 Α. Yes.
- 13 And the names and ages of your children? Q.
- 14 Trevor and Riley. Nine and one. Α.
- 15 And is that a single family home or multiple Q. unit dwelling? 16
- 17 Α. Single.
- 18 Q. And where did you reside prior to 191 Brinton Street? 19
- 20 I stayed with my parents on Gail. Α.
- 21 That's G-A-I-L? Q.
- 22 Α. Yes.
- 23 And what's their address an Gail Street? Q.

Α. 42. 1

- And how long did you live there for? 2 Q.
- 3 Couple -- probably like year, year and a Α. half. 4
- 5 Are you currently married?
- 6 Α. Yes.
- 7 And how long have you been married for? Q.
- 8 Α. Since 2000 -- October 2017.
- 9 Any other marriages other then to Ashley? Q.
- 10 Α. No.
- MR. FEROLETO: Hey, Pat, will do a fair amount of 11 12 leeway, but the Notice of Claim statute, 50-h 13 allows for testimony of the occurrence and the injuries, is the wording of the statute. 14 So a lot of the generalities I'm sure we'll 15 get into at a deposition, but they're beyond 16 17 the scope of the statute, but you go ahead 18 there.
- Thanks, John. I respectfully 19 MR. LENNON: disagree. It's just basic pedigree 20 21 information --
- MR. FEROLETO: That's fine. Go ahead. 22
- 23 MR. LENNON: -- any witness -- I'm just trying to

do my job. I'm not trying to be 1 disrespectful in any way shape or form. 2

- 3 MR. FEROLETO: No. I know you're not.
- BY MR. LENNON: 4
- 5 Are you currently employed?
- 6 Α. Yes.
- 7 Where do you work? Q.
- 8 Α. General Mills.
- 9 Q. And what's your title there?
- Logistics Tech. 10 Α.
- And how long have you been employed as a 11 Q. 12 Logistics Tech at General Mills?
- 13 Well, I've been there for about seven years, Α. since 2013. 14
- 15 And what duties are involved with being a Q. Logistics Tech? 16
- 17 Α. I drive fork trucks and clamp trucks.
- 18 Q. And is that an hourly position or is that salaried position? 19
- 20 Α. Hourly.
- 21 And how many hours per week do you work? Q.
- 22 It varies. Whenever they're -- forty. It Α. 23 could be more.

So there's overtime available? Q.

- Correct. Mandatory overtime. Α.
- 3 Are you a member of any union? Q.
- Α. Yes. 4

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- What union or unions are you a member of? 5 Q.
- 6 Α. I forget the abbreviations, but General Mills 7 would have a union, but I'm part of a union 8 with General Mills.
- 9 Q. Where did you attend high school?
- McKinley High School. 10 Α.
- And what year did you graduate? 11 Q.
- 12 In 2009. Α.
 - MR. FEROLETO: Hang on a minute. Okay. Hey, Pat let me take a look here. I'm reading 50-h sub part one, said the City, County, et cetera shall have the right to demand an indemnation of the Claimant relative and I quote; to the occurrence and the extent of the injuries or damages for which the claim is made.

I mean, that's fine about going back into where he went to high school, but that's really beyond the occurrence and the extent

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of the injuries for damages. I would like to stay on point. You'll certainly have an opportunity in a few months or several months to get into the minutia.

- MR. LENNON: So you don't want us to know anything about your client's background at this point, John?
- MR. FEROLETO: Well, no. It's not that I don't want you to know, but I would like to, you know, comply with the statute and --
- If you're going to be making claims MR. LENNON: of damages as set forth in your Notice of Claim, such as humiliation and various other 1983 allegations, it certainly is entirely relevant especially given the damages that you're alleging, who is exactly allegedly damaged. But if you want to cut this short right now and we can come back and revisit this on a later date, but we're not going to waive our right to conduct the 50-h examination.
- MR. FEROLETO: Well, I'm not asking you to waive the right --

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- MR. LENNON: The choice is yours, Mr. Feroleto.
- MR. FEROLETO: Well, I'm here and he's ready to 2 testify as to those items and the statute. 3 And I've been giving leeway, but I would just 4 ask that we kind of keep it --
 - MR. LENNON: Your client's alleged damages?
 - MR. FEROLETO: Listen, you read the Notice of Claim, I can go get it. You know exactly what's in it and we're ready to proceed, so let's try to work through this.
 - MR. LENNON: Thank you. I've never had an issue with any of this information at any 50-h I've ever run before. This is the first time I'm ever having this issue.
 - MR. FEROLETO: All right. Well, let's keep rolling along and we'll try to get this concluded.

18 BY MR. LENNON:

- Do you have any education or certifications 0. or training after McKinley High School?
- I went to Erie Community College. Α.
- 22 Did you obtain a degree there? Q.
- 23 No, I didn't finish. Α.

How far did you go? 1 Q.

- About a year and a half. 2 Α.
- 3 Do you have any military experience? Q.
- Α. No. 4
- 5 Any criminal convictions, misdemeanor or Q. felonies? 6
- 7 No. Α.
- Ever file for bankruptcy before? 8 Q.
- 9 Α. No.
- MR. FEROLETO: I object -- I object to all those 10 11 questions, but go ahead.
- 12 BY MR. LENNON:
- All right. Mr. Martin, I have a receipt of 13 Q. 14 Notice of Claim that's signed by you on 15 September 30th, 2020. Did you execute a Notice of Claim on that date? 16
- 17 Α. Did I execute, I'm sorry. Can you say that 18 again?
- Did you sign a Notice of Claim on September 19 Q. 30th, 2020? 20
- 21 Yes. Α.
- 22 Then I'm also in receipt of an amended Notice Q. 23 of Claim dated October 22nd, 2020. Did you

also sign an amended Notice of Claim on that 1 date? 2

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Yes. Α.

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- And why did you send an amended Notice of Q. Claim?
- MR. FEROLETO: Well, you know, Pat, this is going -- he can answer, but you're asking a legal question, but go ahead, if you know.
- THE WITNESS: I was called down to John's office 9 in my events of mix up or something. 10
 - MR. FEROLETO: And I object to both the question, you know, and the answer, but go ahead. Anyway -- you got another question?
- MR. LENNON: I have several questions. 14
- 15 MR. FEROLETO: All right.
 - MR. LENNON: Are you aware of any difference between the first Notice of Claim and the second Notice of Claim?
 - MR. FEROLETO: Are you talking about the amended Notice of Claim and the Notice of Claim that he did not review today; is that what you're referring to, Mr. Lennon?
- MR. LENNON: The first one and the second one. 2.3

MR. FEROLETO: Did you review those today, Eric? 1

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THE WITNESS: No. I didn't review those today. 2

3 BY MR. LENNON:

- All right. Sir, directing your attention to 4 Q. Thursday, July 9th, 2020. Do you recall 6 going to Speedway at 535 Kenmore Avenue on
- 7 that date?
- 8 Α. I'm sorry. What date?
- Thursday, July 9th, 2020? 9 Q.
- 10 Α. Yes.

5

- And what was your purpose of the trip 11 Q. 12 there?
- To turn in two scratch offs. 13 Α.
- 14 And where were you coming from? Q.
- 15 Α. Home.
- And how did you get there? 16 Q.
- 17 Α. I drove.
- 18 What vehicle did you drive? Q.
- A SUV. 19 Α.
- What type of SUV do you have? 20 Q.
- 21 Chevy Traverse. Α.
- 22 What year? Q.
- 23 '20. Α.

And did you go alone or were there people Q. 1 with you? 2

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- 3 With my family. Α.
- So your wife and your son and your daughter 4 Q. 5 were with you?
- 6 Α. Correct.
- 7 And when you pulled into Speedway where did Q. 8 you park your vehicle?
- 9 Α. By the gas meter.
- Did you get gas that day? 10 Q.
- 11 Α. No.
- 12 And after you pulled your vehicle up to the Q. 13 gas meter, what did you do next?
- I parked and I went inside to get the money 14 Α. 15 for my winnings, the two lottery tickets.
- And did your family remain in the vehicle? 16 Q.
- 17 Α. Yes.
- 18 And when you entered the store, did you go --Q. 19 where did you go to redeem your winnings?
- At the cash register. 20 Α.
- 21 And when you got to the cash register what Q. 22 did you do?
- 23 I gave my two tickets to the cashier. Α.

Do you recall which games or lottery tickets Q. 1 that you were redeeming?

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- Not offhand, no. Α.
- Do you know when you purchased those 4 Q. 5 tickets?
- 6 Α. I was purchasing the tickets periodically 7 through the month.
 - Q. Do you recall when you specifically purchased the two tickets you were redeeming on July 9th?
- 11 Α. No.

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- 12 And approximately what time did you show up Q. 13 at Speedway, was that 1:30?
- I don't know. I can't recall specific time, 14 Α. but I know it was during the day. 15
- Okay. And had this incident not occurred 16 Q. 17 what were you going to do with the rest of 18 your day?
- I was going to go to my father's house. 19 Α.
- 20 Q. Were you working that day?
- 21 Α. No.
- 22 So you went to the register and did you hand Q. 23 the two lottery tickets to the clerk?

Α. Yes. 1

And when you handed them to the clerk, did 2 Q. 3 you say anything?

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- Α. No. 4
- 5 And what happened next? Q.
- 6 Α. She took the tickets and one went off, one 7 didn't go off.
- And when she took the tickets, did she stand 8 Q. 9 right in front of you?
- Yes. 10 Α.
- When you say one went off and one didn't go 11 Q. 12 off, what do you mean by that?
- 13 When you have a lottery ticket that's a Α. winner, it makes a sound, a specific sound. 14 15 And when you don't win, it doesn't make a 16 sound.
- 17 And so there's, like, a little machine that Q. 18 she can scan it under?
- 19 Α. Yes.
- And were you wearing a mask when you 20 Q. 21 went into the store?
- 22 Α. Yes.
- 23 And what happened next after she scanned the Q.

two tickets? 1

She said that she's going to go check with her manager because both say they're a winner, but only one went off.

20

- When she told that to you, what did you do or Q. say, if anything?
 - She told me she was going to go check with Α. her manager and I said, okay.
- 9 Q. So you remained there in line?
- Yes. 10 Α.

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- 11 MR. FEROLETO: Form.
- 12 BY MR. LENNON:
- 13 Did you see her go and check with her Q. manager? 14
- 15 She went and got her manager and her manager came and took it and then she went in the 16 17 back.
- 18 Q. Okay. Was the manager a male or female?
- Female. 19 Α.
- So when she went and got her manager and she 20 Q. brought her manager over, how much time went 21 22 by?
- 23 Minutes. I can't give you a specific, pin Α.

point of how many minutes. 1

Okay. And then the manager went into the 2 Q. 3 back room or something like that?

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Yeah. Α.

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- 5 Did they tell you to wait at the register, Q. 6 did they say anything to you during that 7 time?
- 8 Α. The manager said she was going to go back and 9 call it in and check to see what was going 10 on.
- Okay. And how long was the manager in the 11 Q. 12 back room doing that for?
- Ouite a while. I don't know the exact time 13 Α. 14 she stayed out.
- 15 And what did you do during that time? Q.
- I waited. 16 Α.
- 17 Did you stand to the side or were you just Q. 18 waiting in line?
- I stood to the side just so she can keep the 19 Α. lines clear. 20
 - And so while you stood to the side, other Q. customers came in and did whatever it is they had to do?

Α. Yes. 1

Okay. Did there come a period of time when 2 Q. 3 you -- they came out or you stopped waiting? 4

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- 5 The police showed up. Α.
- 6 Q. Now, when you say the police showed up, was 7 that the Tonawanda Police?
- 8 Α. Yeah.
- And about how soon after you arrived did the 9 Q. police appear? 10
- I don't know how soon they were -- but after 11 Α. 12 she went in the back, a few minutes and then 13 they were there.
- Okay. And when the police first arrived, how 14 Q. many cars arrived? 15
- I was inside the store, so I couldn't tell 16 Α. 17 you how many cars.
- 18 Q. When did you first -- how did you first notice the police arrived? 19
- 20 He came in the store, it was one and he asked Α. 21 me for ID.
- 22 So was he a uniformed officer? Q.
- 23 Α. Yes.

Okay. And can you describe -- do you have Q. 1 the name or the description of that 2 officer? 3

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- Α. Don't have the name. Pretty tall guy. Caucasian guy.
- 6 Q. And so he approached you?
- 7 Α. Yes.

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- 8 Q. And he said -- how did he say -- did he say 9 can I see your ID please, or how did it go?
- ID please. 10 Α.
- 11 Okay. And what did you say? Q.
- I asked him for what. 12 Α.
- 13 Okay. And what did he say next? Q.
- He said something about the tickets being 14 Α. 15 stolen.
- He said that the lottery ticket that you 16 Q. 17 presented was stolen, something along those 18 lines?
- He said he got a call for a stolen ticket. 19 Α.
- 20 Q. And then did you have any awareness of that 21 prior to this incident?
- 22 Not at all. Α.
- 23 And when he told you that, what was your Q.

response? 1

I didn't steel a ticket, so I don't know what 2 Α. 3 you're talking about.

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- Okay. And then what did the officer say in Q. 4 5 response to that?
- From there, I can't remember. 6 Α.
- 7 Okay. After you told that to the officer Q. 8 what happened next?
- He told me to stay put. And I guess he was 9 Α. 10 going to meet some other officers outside.
- 11 Okay. And during this -- these moments was Q. 12 your family still outside in the traverse?
- 13 Α. Yes.
- 14 And do you recall which set of pumps you Q. 15 parked at?
- The ones closest to the door. 16 Α.
- 17 Okay. So -- so not on the -- so the ones Q. 18 on -- so the pumps were sort of facing the 19 store?
- 20 Yeah. Α.
- 21 Okay. And were you pointed towards the bike Q. 22 path or was the car pointed towards the 23 apartments?

- Apartments I believe. 1 Α.
- So the passenger's side door of your traverse 2 Q. 3 was facing the store, correct?
- Α. Correct. 4
- 5 So he told you to stay put, did you comply Q. 6 with that?
- 7 Α. Yeah.
- 8 Q. Okay. And then that officer went outside and 9 he spoke to some more officers?
- 10 Yeah. Α.
- Were you able to observe who that officer was 11 Q. 12 speaking to?
- Not until all officers came inside. 13 Α.
- Okay. Did you give the officer your ID once, 14 Q. 15 you know, before he left the store?
- No. He just went outside. 16 Α.
- 17 Okay. And how long were the officers outside Q. 18 for before they reentered the store?
- A few minutes. 19 Α.

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Okay. And while the officers were outside Q. did you have any conversations with the employees at the Speedway who called them to the store?

Α. No. 1

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- Did they say anything to you at all? 2 Q.
- 3 Not that I can remember. Maybe. Α.
- Okay. All right. So what happened next as 4 Q. 5 you were standing there waiting for the officers? 6
 - They came in after -- basically, they came Α. in, one detective showed them my ID. After that shortly the -- after that, he told me what was going to go happen. And then after that we went to the police station.
 - Okay. So the first police officer or Q. detective that approached you upon reentering the store you believe was a detective?
- 15 Α. Yes.
- And do you know that detective's name? 16 Q.
- 17 Α. Not offhand.
- 18 Q. Do you know what that detective looked like? 19
- Shorter then the first guy, caucasian. 20 Α. That's it. 21
- All right. And he approached you and what 22 Q. 23 did he say?

He asked me for ID. So I gave him my ID. Α. 1

Okay. And after you give him your ID, what 2 Q. 3 did he say next?

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- Same thing the first cop said, they got a Α. call for a stolen lottery ticket.
 - Q. And did you say anything to him?

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- 7 What do you mean did I say anything? Α.
- 8 Q. Did you say anything in response to the 9 detective when he said we got a call for a stolen lottery ticket? 10
- Yeah, I told him I didn't steel a lottery 11 Α. 12 ticket.
- 13 All right. And then what did he say next? Q.
- Then he told me basically, what was going to 14 Α. 15 go happen. After he did that -- shortly after I was in a police car going down to the 16 17 station.
- 18 What did he tell you was going to happen? Q.
- 19 Α. That they need to take me back to the police 20 station for questioning.
- 21 And what did you say in response to Q. 22 that?
- 23 You mean in the back of the car? Α.

Okay. And what did he say? Q. 1

2 Α. He said, yes.

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- 3 And then what did you say, if anything Q. next? 4
- I'm not going in the back of a cop car. 5 Α.
- 6 Q. Okay. And what did the detective say after 7 that?
 - Α. I really don't know after that because that's when they all kind of -- they were going to do what they were going to do.
 - Okay. What happened next when you informed Q. the officers that you would not be going into the back of the patrol car?
 - The next thing was they grabbed me and Α. roughed me up a little bit. And the next thing, you know, I'm on the floor, into the cop car; and from the cop car to the police station.
 - Now, when you say they grabbed you, do you Q. know which officers grabbed you?
 - Everybody kind of had their hands on me, so I Α. couldn't tell you if it was one or many. I think it was everybody kind of had their

hands on me. 1

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Okay. And do you know how many officers were 2 Q. 3 there total including officers and detectives? 4

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- I don't know total because it was some Α. outside, some inside.
- Okay. And at any point in time prior to you Q. saying I'm not going to go in the patrol car did they say we're going to place you in cuffs and put you in the back of the patrol car?
- 12 Could be, but I don't remember. Α.
- 13 And so they grabbed you and then, do you know Q. where they grabbed you initially? 14
 - Everybody was kind of grabbing different Α. parts, so that I couldn't answer.
- 17 Okay. And when you say that they were Q. 18 roughing you up, what do you mean by that?
- 19 Α. Physical -- they were very physical.
- 20 Q. Other then grabbing your arms and perhaps 21 your legs do you know if you were struck at all by any of the officers? 22
- 23 I have no idea what happened because I was Α.

looking at the ground after they grabbed me. 1

And then you were on the floor. How long did Q. it take for them to put you in handcuffs?

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- Α. After they got me on the ground I can't tell 4 5 you, maybe minutes, seconds.
 - Q. Okay. And then they pulled you up and brought you to the back of the police car?
- 8 Α. Yes.

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- 9 And were you able to walk out or did they drag you out? 10
- MR. FEROLETO: Form. 11
- 12 BY MR. LENNON:
- 13 Pardon me? 0.
- I said I walked out. 14 Α.
- And was there -- was it with one officer, two 15 0. officers holding you, if you know? 16
 - I can't remember how many, but it was Α. definitely one, but I don't know if it was two.
 - Q. Okay. Prior to leaving the store, Mr. Martin, did you experience any type of pain anywhere on your body?
- 23 I don't know. I can't recall because my Α.

adrenaline was going. 1

And as they were walking you out the store 2 Q. 3 were you saying anything?

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Α. No. 4

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- 5 Were they saying anything to you? Q.
 - Α. They were saying a lot. I can't remember everything they were saying, they were saying a lot.
- 9 Q. What were they saying as they were walking you to the car? 10
- I remember one thing was I'll have my day in 11 Α. 12 court, that was one. I can't remember 13 everything else.
- 14 You said that or they said that? Q.
- 15 They said that. Α.
- Okay. Oh, that you'll have your day in 16 Q. 17 court.
- 18 Α. Yes.
- Okay. And did they put you in the back of a 19 Q. marked patrol vehicle or one of the 20 21 detectives cars?
- 22 It was a Tonawanda SUV. Α.
- 23 Was it marked with a Tonawanda police Q.

badge? 1

- 2 Α. Yes.
- 3 Okay. And at any point in time prior to Q. leaving Speedway did you speak to anybody in 4 your family at all? 5

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- 6 Α. No.
- 7 Did you make any observations of your family Q. 8 at all prior to leaving the Speedway?
- 9 Α. My kids and wife crying.
- They were crying you said? 10 Q.
- 11 Α. Yes.
- 12 And where were they located when you observed Q. 13 them doing that?
- By the vehicle. 14 Α.
- Were they -- where was your family located at 15 Q. the point you observed them? 16
- 17 By the vehicle. Α.
- 18 Q. Were they inside the vehicle or were they outside the vehicle? 19
- I seen my wife, she was outside the vehicle. 20 Α.
- 21 All right. And your children were they Q. 22 inside the vehicle?
- 23 I think my daughter was in my wife's arms. Α.

Okay. And did you see where your son was Q. 1 located? 2

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In the car. Α.

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- And were the windows up or down for the back 4 Q. 5 seat?
- 6 Α. I think they were down, but I don't recall.
- 7 Okay. And do you know the name of the Q. 8 officer who transported you back to the station? 9
- Not offhand. 10 Α.
- Okay. Was it the same officer who came in 11 Q. 12 and saw you initially?
- Don't know. Can't recall that either. 13 Α.
- And were you handcuffed in the back or the 14 Q. 15 front?
- I was in the back. 16 Α.
- 17 And on the way to the station house did you Q. 18 have any conversations with the officer who 19 transported you?
- 20 Α. No.
- 21 Did he say anything to you at all? Q.
- 22 Α. Yes.
- 23 What did that officer say to you? Q.

He asked me if I was all right. Α.

- Okay. And what did you tell him? Q.
- I didn't speak. Α.
- And at any point in time prior to being Q. transported to the station house did any of the officers ever give you your Miranda Rights and Warning, tell you you had the right to remain silent, anything to those -along those lines?

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No. Α.

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(Interruption in the internet proceedings.)

All right. Thank you. Mr. Martin, MR. LENNON: and other than the police officer asking for your identification, the detective asking for your identification and then the detective telling you that he's going to be bringing you to the station house did they give you any other instructions or demands while you were at the Speedway?

MR. FEROLETO: Form. You can answer.

THE WITNESS: You said any other instructions or

demands?

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BY MR. LENNON:

Correct. Did they say anything to you as to Q. what they were going to be doing other then those things or what they wanted?

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- Α. The only thing they told me was that I would have to go into the back of a cop car.
- Q. Okay.
- That was the last of the demands. Α.
- And you told them you did not want to go into 10 Q. 11 the back of a cop car, correct?
- 12 Correct. Α.
 - And at that point why did you not want to go Q. into the back of the cop car?
 - I didn't want to go in the back of a cop car because I had my kids outside, along with my wife. And I don't want them to see an image of me being put in the back of a cop car. And that's not a good image. And they think the world of me, so I would not want to do anything to let them down. And you know, I honestly thought that me and the officers would have been able to come to an agreement

or work something out.

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Did you ever communicate that to the officers Q. at all while at Speedway?

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- Α. No, but before I knew it they were on me. So it's not something that they said, you know, as soon as I said I wasn't going in the back of a cop car that was it. There was no more talking pretty much.
- Q. Did you offer them any alternatives other then going into the back of the police vehicle?
- 12 I didn't get a chance. Α.
- 13 Okay. Once you got to the station house what Q. happened once you got there? 14
 - I got strip searched and put into a cell. Α.
- Now, last question for the location at 16 Q. 17 Speedway, other then the manager saying we're 18 going to go back and take a look, did you 19 have any other conversations with the 20 representatives from Speedway prior to 21 interacting with the police?
- 22 Α. Can't recall, nothing off the top.
- 23 Do you know as to whether or not any of the Q.

- representatives or employees of Speedway were saying anything to the police officers or the detectives while they were interacting with you?
- A. The cashier was saying -- she was saying a lot, the young lady, but I couldn't hear it, you know, this was after I was on the ground and everything like that. So she was saying a lot, but I don't know what she was saying.
- Q. Okay. Now, the cashier that was saying a lot that was the initial cashier that you had interacted with?
- 13 A. Correct.

- Q. When you say she was saying a lot do you know exactly what she was saying a lot about?
 - A. I really didn't get a chance to focus in on it because it was something else that was going on.
 - Q. Do you know as to whether or not it was was she speaking to the police officers, was she speaking on your behalf or was she just, any way you would describe it?
 - A. Like I said, I wasn't paying attention too

I just know she was saying a lot. 1 much.

All right. Now, you got to the police house Q. you were stripped searched, where did that take place?

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- 5 In a big room right before you actually get Α. into like the cells. 6
- 7 And how many officers were present for Q. 8 that?
- Two. Female and a male. 9 Α.
- And do you know the names of those 10 Q. 11 officers?
- 12 Not offhand. Α.

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- 13 And what did the -- what did they advise you Q. regarding the strip search? 14
- They just asked me if I had anything on me 15 Α. and we'd get my stuff back once I was 16 17 released.
- 18 Q. And how did they conduct the strip search?
- They had me take my stuff off and then that 19 Α. 20 was basically it.
- So you removed all of your clothing? 21 Q.
- 22 Down to my drawers, yeah. Α.
- 23 Did you have to remove your undergarments? Q.

39

Α. No. 1

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- What were you wearing at that time? 2 Q.
- 3 I think a white shirt, basketball shorts, Α. sneaker, socks and my mask. 4
 - And did you have to take the socks off? Q.
- 6 Α. I took everything off except the -- my 7 underwear.
- 8 Q. Okay. And how long did that last for?
- Minutes. 9 Α.
- Both officers remained in your presence while 10 Q. 11 that occurred?
- 12 Α. Yes.
- 13 Did they ever initiate any physical contact Q. with you while you were in the midst of 14 15 taking your clothes off?
- What you say physical, what do you mean? 16 Α.
- 17 Were they grabbing you, were they touching Q. 18 you, did they --
- 19 Α. No.
- Did they put their hands anywhere they 20 Q. 21 shouldn't be going?
- 22 Α. No.
- 23 And then after you disrobed down to your Q.

underwear what happened next? 1

After I got into the cell he gave me my Α. shorts back and then I just waited until he came and got me.

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- Was it the same male uniformed officer? Q.
- 6 Α. Yes.

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- 7 And then how long were you waiting in the Q. 8 cell for?
- 9 Α. That I don't know. I was in there quite awhile. 10
- While you were waiting in the cell and while 11 Q. 12 you were being stripped searched did you say 13 anything to the officers at all?
- Α. No. 14
- And other then them telling you to take off 15 Q. your clothes, put them back on and go into 16 17 the cell, did they advise you of anything 18 else during that time?
- When you say advised me of anything else, 19 Α. 20 what do you mean?
- 21 Did they say anything to you at all during Q. 22 that period?
- 23 They asked me to sign some papers and I told Α.

them I wasn't going to sign any papers. 1

Did they give you the papers to look at Q. before you signed them?

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Α. No.

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- 5 Do you know what those papers were about? Q.
- 6 Α. I can't remember.
- 7 Did they give you an opportunity to read Q. 8 those papers?
- 9 Α. Not offhand, no.
- Okay. And then after the period of time you 10 Q. 11 were in the cell, there was a point of time 12 when they brought you out?
- 13 Α. Yes.
- And when you were in the cell did you remain 14 Q. handcuffed? 15
- No, I wasn't handcuffed. 16 Α.
- 17 When did they take the handcuffs off of Q. 18 you?
- 19 Α. After I got in the cell.
- 20 Q. And when they came and got you to when you 21 took -- did the strip search you were still 22 in handcuffs at that point?
- 23 Yeah. Α.

So when they came and brought you out of the Q. 1 cell did they put the handcuffs back on 2 3 you?

42

- I can't remember. I don't -- I don't Α. remember.
- Where did they bring you? 6 Q.
- 7 What do you mean, after the cell? Α.
 - Q. Yes.

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- 9 Α. They brought me, let's see to a room to get my Miranda Rights read to me and they wanted 10 11 me to sign more paperwork.
- 12 And who did you meet with in that room? Q.
- 13 I was supposed to be meeting the detective that I gave my ID to at the gas station. 14
- Did you meet with him? 15 Q.
- Yeah, we were in there. 16 Α.
- 17 And did you have a conversation with that Q. 18 detective?
- 19 Α. He wanted me to sign some more 20 paperwork and I refused.
- 21 What was the paperwork regarding? Q.
- 22 Α. Miranda Rights and something else. I don't 23 know what the other things were, but --

And did you make any statements to him at that time other then I'm not going to be signing these documents?

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MR. FEROLETO: Form.

THE WITNESS: I just said I'm not going to be signing them.

7 BY MR. LENNON:

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- Q. What did the detectives say to you regarding the documents that he was trying to have you sign?
- I couldn't leave unless I signed the 11 Α. 12 paperwork, so I put refused.
- 13 And then after you refused to do that what Q. happened next? 14
- 15 I went to get finger printed, my photo shot and I think that was about it. 16
 - Did you have any conversations with the Q. police officers while you were being finger printed?
 - I don't know if it was his captain or Α. lieutenant or whoever, he came and talked for a little while and said thanks for cooperating.

44

So that was another male officer? 1 Q.

- 2 Α. Yeah.
- Was that officer in a uniform? 3 Q.
- Α. He was in a shirt and pants. 4 No.
- 5 And did you say anything to him at all? Q.
- 6 Α. I said no problem.
- 7 Then what happened next? Q.
- 8 Α. We wrapped everything up, I got the -- I 9 quess a bag with one of the tickets that I They kept the other one. And then I 10 was released. 11
- 12 Did they give you a copy of any charges or Q. 13 release you with an appearance ticket?
- I had an appearance ticket. 14 Α.
- 15 Q. Do you know approximately what time you were released? 16
- 17 Α. I don't know offhand.
- 18 And where were you released? Q.
- 19 Α. At the police station.

23

- 20 Q. So did they take you up to the front desk 21 there or did they take you downstairs, 22 where --
 - Front desk and showed me the front door. Α.

Did you have anybody waiting for you out Q. 1 there? 2

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My family. Α.

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- Okay. And who was waiting for you in the 4 Q. 5 lobby or was it outside?
- It was outside. 6 Α.
- 7 And where were they waiting for you? Q.
- 8 Α. Outside the doors.
- In the Traverse? 9 Q.
- No. Actually outside, like, before you come 10 Α. 11 in.
- 12 Okay. So down at the base of the steps Q. there? 13
- 14 Α. Yeah.
- And who in your family was there? 15 Q.
- My parents, my brother, my wife. 16 Α.
- 17 And after you left or were released did you Q. 18 have any other conversations or overhear any 19 statements about any of the Tonawanda police 20 officers subsequent to that?
- 21 What do you mean by --Α.
- After you were released did you have any 22 Q. 23 other conversations with any of the police

- officers or detectives regarding this incident?
- A. No.

- Q. Are you aware of any statements made by any of the police officers, detectives or anybody on behalf of the Town of Tonawanda Police

 Department regarding this incident?
- A. Not that I can remember.
 - Q. And you've never met in person or spoken to any of the officers or detectives since this incident, correct?
- 12 A. Correct.
 - Q. Are you aware as to whether or not anybody on behalf of you from your family has spoken to anybody from the police department regarding this incident?
 - A. I have no idea.
 - Q. Are you aware as to whether or not during the time that you were in custody with the Town of Tonawanda Police Department as to whether or not anybody on behalf of you from your family had been speaking to any representatives from the Town of Tonawanda

Police Department?

- I was in the cell, so I don't know.
- 3 Q. Okay.

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MR. FEROLETO: I believe his father who's name is also Eric may have had some conversations with the Tonawanda police.

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- MR. LENNON: Okay. I saw that in one of the articles, I was just wanted to know what your client's awareness was of that, that's all.
- MR. FEROLETO: Okay. Sure. 10
- BY MR. LENNON: 11
- 12 Do you have any awareness of any Q. 13 conversations that your father may have had with the Town of Tonawanda Police Department, 14 Mr. Martin? 15
- Like I said, I have no idea. 16 Α.
 - Okay. Are you aware of any witnesses to this Q. incident other then the police officers, detectives and the two employees from Speedway?
 - Probably would have been about it. Just the police officers and the people that work there.

Have you made any claims against the Speedway Q. 1 at all? 2

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- What do you mean by claims? Α.
- Have you initiated any litigation or filed a 4 Q. 5 lawsuit against Speedway at all, if you 6 know?
- 7 Maybe. I would have to talk to John. Α.
 - Q. Yep. And I'm not privy to those conversations. Have you ever received any settlement money from Speedway at all?
- Not at all. 11 Α.

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- 12 Okay. Now, are you aware that your father Q. 13 had also been accused of possessing a stolen lottery ticket from that store? 14
- 15 Yes. He said the same thing happened to him. Α.
- Okay. When did he tell you that? 16 Q.
- 17 I can't recall what day, but it might have Α. 18 been a few days later. I took some time to 19 myself for quite a long time.
- So this was after the incident that your 20 Q. 21 father advised you of that?
- 22 Α. Yeah.
- 23 Okay. So it wasn't before this incident that Q.

your father had told you that, correct?

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Yeah. Α.

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- Now, Mr. Martin, I wanted to ask you some Q. questions here about your amended Notice of Claim. And it said as a result of this incident you suffered humiliation, trauma and physical injuries to your left shoulder, left knee, neck, body and head. So I just want to ask you some questions about your injuries, okay?
- 11 Α. Okay.
- 12 What injuries did you sustain to your head? Q.
- I had a headache. 13 Α.
- And where was the headache located? 14 Q.
- 15 In the backside of my head. Α.
- So the back left-hand side? 16 Q.
- 17 Α. Back left-hand side.
- 18 Q. And how long did you have that headache for? 19
- I still have periodic headaches from time to 20 Α. 21 time. So they never really stopped.
- And when you first experienced that headache, 22 Q. 23 can you describe it for me?

Pain. I don't know really how to describe Α. 1 that, just painful. 2

Did it travel anywhere, did it come to the Q. front of your head, did it go down into your shoulder?

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6 Α. Left side, you know.

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- 7 Left side towards the front of your forehead. Q.
 - Α. From the left side towards the front of my forehead.
 - And how long did the headaches -- headache Q. last for, was it permanent, you know, 24/7 or did it come and go, anyway you want to describe it? Go ahead, Mr. Martin. Yeah, my question was how often, what's the frequency of the headaches?
- I always have headaches. 16 Α.
- 17 Has there come a time prior -- or subsequent Q. 18 to this incident or after this incident where 19 your headache has gone away?
 - Α. It might if I, you know, take medicine, but it always comes back.
- 22 Q. Did you ever have any headaches prior to this 23 incident?

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Α. No. 1

- Have you received any treatment for your 2 Q. headaches? 3
- Just medicine. Α. 4
- Have you seen any medical providers and 5 Q. discussed your headaches with them at all 6 7 since this incident?
- 8 Α. I spoke to doctors about all my issues.
- Which doctor was that? 9 Q.
- Cicchetti and Lapoint. And my therapist, 10 Α. 11 physical therapist.
- 12 Did they prescribe any medication for your Q. headaches at all? 13
- They just told me to, you know, take Tylenol 14 Α. 15 over-the-counter medicine or something.
- How often do you take Tylenol? 16 Q.
- 17 Α. Whenever I can't bear headaches.
- 18 Q. How often within the past seven days have you taken Tylenol? 19
- 20 Α. Maybe twice.
- And Dr. Cicchetti, is that Dr. Michael 21 Q. 22 Cicchetti?
- 23 Yes. Α.

And is he with Buffalo Spine and Sports? 1 Q.

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- 2 Α. Yes.
- 3 And Dr. Lapoint whose Dr. Lapoint with? Q.
- Α. I forget the name of his company, but --4
- 5 And who -- what does Dr. Lapoint treat? Q.
- 6 Α. I think he's a -- specializes in orthopedics 7 or something else like that.
 - Q. All right. So other then speaking to them about the headaches have you had any other treatment for your headaches as a result of this incident?
- 12 Α. No.

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- 13 Now, you indicated that you injured your neck Q. as a result of this incident? 14
- 15 Α. Yes.
- Where did you injure your neck? 16 Q.
- 17 On the left side. Α.
- 18 When did you first notice an injury to your Q. neck as a result of this incident? 19
- 20 Α. A day later.
- 21 And what type of pain or symptoms were you Q. 22 feeling when you noticed it the following 23 day?

They all, like, go together the neck, the 1 Α. head, shoulder, arms. 2

And have you had any diagnostic testing Q. X-rays, CAT scan, CT scans or MRIs of your neck at all --

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6 Α. Yes.

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- 7 -- since the accident? And where did you get Q. 8 those done?
- Buffalo MRI. 9 Α.
- 10 And are you aware of the results of those? Q.
- 11 Yes. I have a pinched nerve. Α.
- 12 Q. In your neck?
- 13 Yes. Α.
- 14 And whose treating your neck? Q.
- 15 I go to Optimal Therapy. So I'm doing Α. therapy there and I'm going to Cicchetti's 16 17 office.
- 18 Q. And had you ever had any prior treatment or 19 injuries to your neck at all before this incident? 20
- 21 No. Α.
- 22 So right now you're treating that with Q. 23 physical therapy, correct?

- Α. Yes. 1
- Have you received any chiropractic treatment 2 Q. 3 at all?

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- Α. No, not yet. 4
- 5 Have you had any chiropractic treatment prior Q. to this incident? 6
- 7 No. Α.
- 8 Q. Any diagnostic imaging, CT scans, MRIs, X-rays to your neck before this incident? 9
- No. 10 Α.
- 11 Okay. There's also an injury indicated to Q. 12 your left shoulder?
- 13 Yeah. Α.
- When did you first notice pain or symptoms in 14 Q. 15 your left shoulder after this incident?
- Same thing, a day later. 16 Α.
- 17 Can you describe the pain or symptoms that Q. 18 you experienced in your left shoulder?
- 19 Α. It's all wrapped together.
- 20 Q. Did you ever experience any numbness or 21 tingling at all?
- 22 Yes. Α.
- 23 Where do you experience that? Q.

From my shoulder down to the middle of my Α. 1 2 arm.

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- 3 Does it go below your elbow at all or is Q. it --4
- 5 No. It comes and goes. Α.
- 6 Q. Do you take any medication for that at all?
- 7 Sugar injections. Α.
- 8 Q. When did you have trigger point injections?
- 9 Α. Maybe a few days before Thanksqiving.
- And who performed those? 10 Q.
- Some lady for Dr. Cicchetti's office. 11 Α.
- 12 And did those help at all? Q.
- 13 It took some of the pain away, but I'm still Α. dealing with it. 14
- 15 And how many trigger point injections did you Q. receive? 16
- 17 Α. I can't recall because I was laying down.
- 18 Q. And any previous injuries to your left shoulder at all? 19
- 20 Α. No.
- 21 Now, in your amended Notice Of Claim it Q. 22 indicates that you sustained an injury to 23 your left knee?

Α. Yeah. 1

And when did you first notice an injury to 2 Q. 3 your left knee or pain or symptoms?

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- Α. A day later. 4
- 5 And what type of pain and symptoms did you Q. 6 feel in your left knee?
- 7 Sharp pain. Α.
- 8 Q. Did you ever have any prior left knee injuries? 9
- No. 10 Α.
- 11 And the pain you felt in your left knee was Q. 12 that 24/7 constant or is it only --
- 13 Α. It comes and goes.
- Do you know what helps it and what aggravates 14 Q. 15 it or causes it to come about?
- No. I don't know when it happens, just 16 Α. 17 happens.
- 18 Q. Have you had any diagnostic imaging, X-rays, 19 MRIs to your left knee at all?
- 20 Α. Yes.
- Where did that occur? 21 Q.
- 22 Dr. Lapoint's office. Α.
- 23 And how about in your left shoulder, have you Q.

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had any diagnostic imaging, X-rays, MRIs, to 1 your left shoulder at all? 2

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- I believe, I'm not sure, but I think it was Α. Dr. Lapoint's office.
- Do you know where Dr. Lapoint's office is Q. located?
 - In Williamsville, but I keep all that stuff Α. in my phone, so I wouldn't be able to tell you straight address.
- No problem. Now, other then the physical Q. injuries to your head, neck, left shoulder, and left knee are there any other physical injuries that you sustained as a result of this incident?
- Just those, back, neck, shoulder, knee, head.
 - Now, in terms of humiliation and trauma that Q. you experienced, can you articulate that for me what those injuries consist of?
- Form. You can answer. MR. FEROLETO:
 - THE WITNESS: The humiliation well, I felt like everybody around me kind of seen what happened. I couldn't get any help from anybody. You know, everybody is watching me

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like I'm a criminal, going away.

My kids you know, they don't know what to think. And the biggest thing with everything that's going on is that I, you know, it really bothers me. I feel like less then a person because I don't think any person should be handled like that or treated like that. And it was humiliating for everybody around me to see.

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BY MR. LENNON:

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- Thank you for sharing that Mr. Martin. Q. you miss any time from work as a result of this?
- Not that I could -- no. 14 Α.
- And have you had any out-of-pocket expenses 15 Q. related to this at all? 16
- 17 Yes. I'm paying for everything Α. 18 out-of-pocket.
- Your medical treatment? 19 Q.
- Yeah. 20 Α.
- Whose your medical health insurance 21 Q. 22 provider?
- 23 Blue Cross Blue Shield. Α.

I

- Q. And that's through your employer?
- A. Yes.

- MR. LENNON: That's all I have, Mr. Martin. I appreciate your time today. Sorry that Mr. Feroleto and I put on a little show for you, but that doesn't have anything to do with you or your case. Sometimes --
- MR. FEROLETO: Pat, I didn't see it as a little show. We're just -- I see it as kind of just defining, but I'd be happy to send you over the video and if there's anything else I can share with you, I'd be happy to do that. And of course it was good visiting with you.

MR. LENNON: Thanks, John. Same here.

STATE OF NEW YORK)

SS:

COUNTY OF NIAGARA)

I, DEBORAH F. TERRANOVA, a Notary
Public in and for the State of New York, County
of Niagara, DO HEREBY CERTIFY that the deposition
of ERIC MARTIN was taken down by me in a verbatim
manner by means of Machine Shorthand, on DECEMBER
7, 2020. That the deposition was then reduced in
writing under my direction. That the deposition
was taken to be used in the above-entitled
action. That the said deponent, before
examination, was duly sworn by me to testify to
the truth, the whole truth and nothing but the
truth, relative to said action.

I further CERTIFY that the above-described transcript constitutes a true and accurate and complete transcript of the testimony.

Deboret F. Terrenova

DEBORAH F. TERRANOVA, Notary Public

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(716) 362-9838

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NYSCEF: 04/20/2022

JOHN P. FEROLETO CARRIE A. ZIMBARDI JILL WNEK

INJURY ATTORNEYS

FEROLETOLAW

PARALEGALS
MEGAN COMMAROTO
MOLLY VERA
NICOLE DALTON

JOEL FEROLETO of Counsel

clients first.

September 7, 2021

Paul G. Joyce, Esq. COLUCCI & GALLAHER, P.C. 2000 Liberty Building 424 Main Street Buffalo, New York 14202

RE: Martin v. Town of Tonawanda Police Department, et al.

Index No.: 808523/2021

Dear Mr. Joyce:

Enclosed please find Plaintiff's Omnibus Discovery Demands, Demand for Bill of Particulars, Notice Declining Service by Electronic Means, and Plaintiff's Request for Documents and Discovery. Also enclosed is Plaintiff's Bill of Particulars.

In response to Town of Tonawanda Police Department o/b/o The Town of Tonawanda's Omnibus Discovery Demands, please be advised of the following:

A video of the incident and copy of the Police Report are attached hereto. Also attached are various media reports that include statements made by officials of the Defendant Town of Tonawanda. Plaintiff is not in possession of any other documentation or written reports. All statements made by the agents, servants, employees, former employees or officials of the Defendant Town of Tonawanda, are included in the video that depicts the incident that occurred on July 9, 2020 or in police records which are public records, or police records provided herein. Plaintiff is unaware of the identities of witnesses to the incident, however there were Speedway customers and Town of Tonawanda Police Department personnel present, and Mr. Martin's wife, Ashley Martin, 191 Brinton Street, Buffalo, New York 14216 was outside of the Speedway store.

Plaintiff reserves the right to amend this response should additional witnesses be revealed in the course of discovery.

Enclosed are medical records and authorizations for Trinity Medical, Buffalo MRI, Optimal Therapy Associates, and Buffalo Spine and Sports Medicine, Dr. Michael Cicchetti. Authorizations are provided upon the express condition that no accompanying correspondence/communication to

438 MAIN STREET SUITE 910 BUFFALO, NEW YORK 14202

PHONE (716) 854-0700 *V-FAX (716) 229-4613

*not for service

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any provider attempts to broaden the express records authorized for release, and that we are simultaneously copied with any such correspondence, as well as provided copies of records received by use of said authorizations within thirty (30) days of your receipt of the same. If these conditions are not agreeable, we are not authorizing release of any records and you should refrain from attempted usage of the authorizations.

Upon information and belief, Plaintiff's medical bills have been paid by Blue Cross Blue Shield of Western New York; Please see the date and cost chart attached to Plaintiff's Bill of Particulars for costs of Plaintiff's medical care.

Plaintiff has not yet retained an expert for the purposes of trial testimony.

Enclosed are Affidavits of Service for each Defendant with respect to the subject litigation.

Defendants dispute liability and claim Plaintiff assumed the risks which contributed to his injuries; At this point, further discovery is needed, and a response to the demand for specific relief will be provided in a supplemental response.

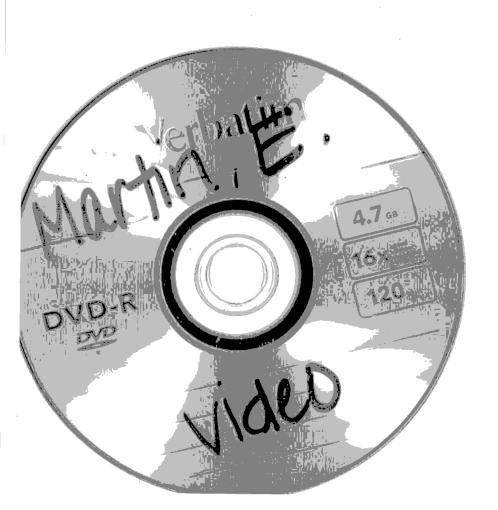
Please advise if you have any questions, and thank you for your kind cooperation.

Very truly yours,

JOHN FEROLETO

JPF/mbc Enclosures

cc: Brittany L. Hannah, Esq. Sugarman Law Firm, LLP 211 W. Jefferson St. Syracuse, NY 13202 FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 808523/2021 Page 112 of 271 RECEIVED NYSCEF: 04/20/2022



VIA Regular mad only

OCA Official Form No.: 960

AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA [This form has been approved by the New York State Department of Health]

Patient Name	Date of Birth	Social Security Number
Eric Martin, Jr.	01/14/1990	
Patient Address		
191 Brinton St., Buffalo, NY 14216		

- I, or my authorized representative, request that health information regarding my care and treatment be released as set forth on this form: In accordance with New York State Law and the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), I understand that:
- 1. This authorization may include disclosure of information relating to ALCOHOL and DRUG ABUSE, MENTAL HEALTH TREATMENT, except psychotherapy notes, and CONFIDENTIAL HIV* RELATED INFORMATION only if I place my initials on the appropriate line in Item 9(a). In the event the health information described below includes any of these types of information, and I initial the line on the box in Item 9(a), I specifically authorize release of such information to the person(s) indicated in Item 8.
- 2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If I experience discrimination because of the release or disclosure of HIV-related information, I may contact the New York State Division of Human Rights at (212) 480-2493 or the New York City Commission of Human Rights at (212) 306-7450. These agencies are responsible for protecting my rights.
- 3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.
- 4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.
- 5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.

6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL CARE WITH ANYONE OTHER THAN TO

CARE WITH ANTONE OTHER THAN THE ATTORNEY O						
7. Name and address of health provider or entity to release this inf Buffalo MRI 4925 Main St. Amherst, NY 14226	ormation:					
8. Name and address of person(s) or category of person to whom the Colucci & Gallaher, P.C., 424 Main St #2000, Buff	alo, NY 14202					
9(a). Specific information to be released:						
☐ Medical Record from (insert date)	to (insert date)otes (except psychotherapy notes), test results, radiology studies, films,					
☐ Entire Medical Record, including patient histories, office n	otes (except psychotherapy notes), test results, radiology studies, films,					
referrals, consults, billing records, insurance records, and i	records sent to you by other health care providers.					
Other: Medical records limited to:	Include: (Indicate by Initialing)					
head, neck, back, left knee, ribs, and bilat	teral wristsAlcohol/Drug Treatment					
Andhadada ta Diana IV 141 V C	Mental Health Information					
Authorization to Discuss Health Information HIV-Related Information						
(b) ☐ By initialing here I authorize						
	Name of individual health care provider					
to discuss my health information with my attorney, or a gove	rnmental agency, listed here:					
(Attorney/Firm Name or Go						
10. Reason for release of information:	11. Date or event on which this authorization will expire:					
■ At request of individual	1 (One) Year From Date of Signature					
U Other:						
12. If not the patient, name of person signing form:	13. Authority to sign on behalf of patient:					
All items on this form have been completed and my questions abou	t this form have been answered. In addition, I have been provided a					
copy of the form.						
$\mathbf{x}(\mathbf{A}\cdot(\mathbf{A}))$	Cardon 1 2021					
Date: September 1, 2021						
Signature of patient or representative authorized by law.						

Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects information which reasonably could identify someone as having HIV symptoms or infection and information regarding a person's contacts.



OCA Official Form No.: 960 AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA [This form has been approved by the New York State Department of Health]

Patient Name Eric Martin, Jr.	Date of Birth 01/14/1990	Social Security Number
Patient Address 191 Brinton St., Buffalo, NY 14216		

I, or my authorized representative, request that health information regarding my care and treatment be released as set forth on this form: In accordance with New York State Law and the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), I understand that:

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- 2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If I experience discrimination because of the release or disclosure of HIV-related information, I may contact the New York State Division of Human Rights at (212) 480-2493 or the New York City Commission of Human Rights at (212) 306-7450. These agencies are responsible for protecting my rights.
- 3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.
- 4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.
- 5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.

6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL CARE WITH ANYONE OTHER THAN THE ATTORNEY

CHICAGO WILLIAM TO ALL OF THE ALTONNEL O	R GOVERNMENTAL AGENCE SEECHTED INTEREST (U).						
7. Name and address of health provider or entity to release this inf BlueCross BlueShield of Western New York, P.O. 1	ormation: Box 80, Buffalo, NY 14240-0080						
8. Name and address of person(s) or category of person to whom the Colucci & Gallaher, P.C., 424 Main St #2000, Buff							
9(a). Specific information to be released:							
☐ Medical Record from (insert date) to (insert date)							
☐ Entire Medical Record, including patient histories, office n	otes (except psychotherapy notes), test results, radiology studies, films,						
referrals, consults, billing records, insurance records, and to Other: File regarding Eric Martin, DOB: 01/14/	records sent to you by other health care providers.						
Group No.: 10197775 from July 9, 2020	to PresentAlcohol/Drug Treatment						
	Mental Health Information						
							
(b) U By initialing here I authorize							
(b) By initialing here I authorize Initials Name of individual health care provider							
to discuss my health information with my attorney, or a gove	rnmental agency, listed here:						
(Attorney/Firm Name or Go	vernmental A sency Name)						
10. Reason for release of information:	11. Date or event on which this authorization will expire:						
☑ At request of individual	1 (One) Year From Date of Signature						
Other:	(One) Teat Profit Date of Signature						
12. If not the patient, name of person signing form:	13. Authority to sign on behalf of patient:						
All items on this form have been completed and my questions about	t this form have been answered. In addition, I have been provided a						
copy of the form.	g						
× (l. (100							
- Martin	Date: September 1, 2021						
Signature of patient or representative authorized by law.							

Human Immunodesiciency Virus that causes AIDS. The New York State Public Health Law protects information which reasonably could identify someone as having HIV symptoms or infection and information regarding a person's contacts.



OCA Official Form No.: 960 AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA [This form has been approved by the New York State Department of Health]

Patient Name Eric Martin, Jr.	Date of Birth 01/14/1990	Social Security Number
Patient Address 191 Brinton St., Buffalo, NY 14216		

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- 2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If I experience discrimination because of the release or disclosure of HIV-related information, I may contact the New York State Division of Human Rights at (212) 480-2493 or the New York City Commission of Human Rights at (212) 306-7450. These agencies are responsible for protecting my rights.
- 3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.
- 4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.
- 5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.
- 6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL CARE WITH ANYONE OTHER THAN THE ATTORNEY OR GOVERNMENTAL AGENCY SPECIFIED IN ITEM 9 (b).

7. Name and address of health provider or entity to release this inf Buffalo Spine and Sports Medicine Dr. Michael Cicc	ormation: hetti 100 College Pkwy, # 100 Williamsville, NY 14221
8. Name and address of person(s) or category of person to whom the Colucci & Gallaher, P.C., 424 Main St #2000, Buff	nis information will be sent: alo, NY 14202
	Include: (Indicate by Initialing)
(b) ☐ By initialing here I authorize	The residence and the residenc
Initials to discuss my health information with my attorney, or a gove	Name of individual health care provider remmental agency, listed here:
(Attorney/Firm Name or Go	vernmental Agency Name)
10. Reason for release of information;	11. Date or event on which this authorization will expire:
	1 (One) Year From Date of Signature
12. If not the patient, name of person signing form:	13. Authority to sign on behalf of patient:
All items on this form have been completed and my questions about copy of the form.	t this form have been answered. In addition, I have been provided a
Signature of Mattern or representative and horizont by low	Date: September 1, 2021

Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects information which reasonably could identify someone as having HIV symptoms or infection and information regarding a person's contacts.

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OCA Official Form No.: 960 AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA [This form has been approved by the New York State Department of Health]

Patient Name Eric Martin, Jr.	Date of Birth 01/14/1990	Social Security Number
Patient Address 191 Brinton St., Buffalo, NY 14216	3	

I, or my authorized representative, request that health information regarding my care and treatment be released as set forth on this form: In accordance with New York State Law and the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), I understand that:

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- 3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.
- 4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.
- 5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.

6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL CARE WITH ANYONE OTHER THAN THE ATTORNEY OR

	K GOVERNMENTAL AGENCE SIECHTED INTERIO (D).				
7. Name and address of health provider or entity to release this information Trinity Medical WNY, Paul L. LaPoint, D.O., 1921	ormation; Park Club Ln. Williamsville, NY				
8. Name and address of person(s) or category of person to whom the Colucci & Gallaher, P.C., 424 Main St #2000, Buffe	is information will be sent: alo, NY 14202				
9(a). Specific information to be released:					
☐ Medical Record from (insert date)	to (insert date)				
☐ Entire Medical Record, including patient histories, office n	otes (except psychotherapy notes), test results, radiology studies, films,				
referrals, consults, billing records, insurance records, and i	ecords sent to you by other health care providers.				
△ Other: Medical records limited to:	Include: (Indicate by Initialing)				
head, neck, back, left knee, ribs, and bilat	teral wristsAlcohol/Drug Treatment				
	Mental Health Information				
Authorization to Discuss Health Information HIV-Related Information					
(b) □ By initialing here I authorize					
(b) By initialing here I authorize Name of individual health care provider					
to discuss my health information with my attorney, or a gove	rnmental agency, listed here:				
(Attorney/Firm Name or Gov					
10. Reason for release of information:	11. Date or event on which this authorization will expire:				
☐ At request of individual☐ Other:	1 (One) Year From Date of Signature				
	10 4 4 3 4 4 4 4 4				
12. If not the patient, name of person signing form:	13. Authority to sign on behalf of patient:				
All items on this form have been completed at the					
All items on this form have been completed and my questions abou copy of the form.	t this form have been answered. In addition, I have been provided a				
copy of the form.					
Dan Martin	Date: September 1, 2021				
Signature of patient or representative authorized by law.					

Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects information which reasonably could identify someone as having HIV symptoms or infection and information regarding a person's contacts.



OCA Official Form No.: 960 AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA [This form has been approved by the New York State Department of Health]

Patient Name Eric Martin, Jr.	Date of Birth 01/14/1990	Social Security Number
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- 3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.
- 4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.
- 5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.

6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL

	OR GOVERNMENTAL AGENCY SPECIFIED IN ITEM 9 (b).					
7. Name and address of health provider or entity to release this ir	formation:					
Optimal Therapy Associates Services 2495 Main	St., Ste. 234 Buffalo, NY 14214					
8. Name and address of person(s) or category of person to whom	this information will be sent:					
Colucci & Gallaher, P.C., 424 Main St #2000, Buf	falo, NY 14202					
9(a). Specific information to be released:						
☐ Medical Record from (insert date)	to (insert date)					
☐ Entire Medical Record, including patient histories, office	notes (except psychotherapy notes), test results, radiology studies, films,					
referrals, consults, billing records, insurance records, and	records sent to you by other health care providers.					
Other: Medical records limited to:	Include: (Indicate by Initialing)					
head, neck, back, left knee, ribs, and bile	ataual remiata					
Mental Health Information						
Authorization to Discuss Health Information	HIV-Related Information					
(b) ☐ By initialing here I authorize						
(b) By initialing here I authorize	Name of individual health care provider					
to discuss my health information with my attorney, or a gov	ernmental agency, listed here:					
(Attorney/Firm Name or G	overnmental Agency Name)					
10. Reason for release of information:	11. Date or event on which this authorization will expire;					
At request of individual	1 (One) Year From Date of Signature					
Other:						
12. If not the patient, name of person signing form:	13. Authority to sign on behalf of patient:					
All items on this form have been completed and my questions abo	ut this form have been answered. In addition, I have been provided a					
copy of the form.	•					
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- 17 m VIVIantin	Date: September 1, 2021					
Signature of watient or representative authorized by law						

Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects information which reasonably could identify someone as having HIV symptoms or infection and information regarding a person's contacts.

Town of Tonawanda POLICE REPORT CRIM POSS STOLEN PROPERTY 5TH

Complaint **20-225084**

Report Date & Time 07/09/2020 13:31

535 KE	of Occurrence NMORE AV			Distr	ict	Tract 03	Occ. Date & Ti 07/09/2020	***		ay of Week nursday		ype of Premise Varlety/Con	venience S	tore
Status				Follo	w Up By	Supl	TT Mess#	TTE	ntry Date	TT Cancelli	TTC	ancel Date		
	By Arrest				cords	N								
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Address 535 KE	NMORE AV				City TONAV	NANDA			^{Zip} 1 4225	Home Pho (716) 836		Work Phone	?	
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OFF	ENDER - 1													
Last Nam MARTIN		First Nan ERIC	ne		MJ Ex	d	Birth Date 01/14/1990		ace	Sex	Age	Juvenile	Arrested	Report
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PL	205.30	M	Α .	0 1	RESIST	ING AR	REST							PR
ARR														
Arrest#	Name					Date	Address							
23941	MARTIN, ERIC	C. 1/14/	1990			07-09-2	020 535 KE	ENMOF	RE AV	TONAWANDA	TOWN			
Status	Arrest					ing Office								
Appear	ance Tick Crime		ess	<u> </u>	204-M	USCOR								
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POLICI	E REPORT De	ate Entere	ed: 07 /	09/2020	15:30	Typis	E BRIAN IEN	1CO		Officer: 0	87-IENC	:0		

I responded to Speedway located at 535 Kenmore Av. for the report of a male customer trying to cash a stolen lottery ticket. Upon arrival, Detectives Muscoreil and Scranton were inside the store speaking to the male party.

The male party was identified as Eric C. Martin. The situation was explained to Martin and he was asked to

return to the station to give a statement and be processed. Martin refused to cooperate and at this point was informed he was under arrest. Martin was asked to place his hands behind his back, at which point he tensed up, started flailing his arms, yelling get off me, and refused to place his hands behind his back. I grabbed his right arm/shoulder and

Printed Date: 07/14/2020 12:03 PM

Page: 1

INDEX NO. 808523/2021 CLERK 04 20/2022 03:41 COUNTY

Filed 05/11/23 Page 119 of 271 . 04/20/2022 Document 1-15 NYSCEF DOC.



Town of Tonawanda POLICE REPORT CRIM POSS STOLEN PROPERTY 5TH

Complaint 20-225084

Report Date & Time 07/09/2020 13:31

assisted in taking Martin to the ground. Once on the ground Martin was handcuffed, he was then immediately sat up, and assisted back to his feet. Use of force (TTP47) completed. (see supplements) Martin was then searched for weapons and placed in the rear of my patrol vehicle #6 by myself and Lt. Valint without incident. Martin was then transported to the station without incident. I was followed by patrol 52, Ofc, Heft. Once at the station, Martin was brought to the men's cell block area. Martin was searched, his belongings inventoried and placed in locker #8 (seal # 62066770). Martin was placed in cell #8 upon card #20-0117 briefly until the west interview room was available/ready. Suicide screening completed.

Once the west interview room was ready, I brought Martin from the cell block area and turned him over to Det. Muscoreil and Lt. Moore.

Informations were completed/signed for the above charges. All paperwork was completed and forwarded accordingly.

BWC: 087, 477

087

SUPPLEMENT # 1 Date Entered: 07/09/2020 15:30 Typist: WILLIAM LAUGEMAN Officer: 119-LAUGEMAN

On 7/9/20 I responded to 535 Kenmore Ave, Speedway, to assist patrols with the investigation of stolen property. The clerk, provided a supporting deposition which I turned over to Det. Scranton. \$50 cash was turned over by 🔳 that belonged to subject Eric Martin. The money was returned to him at 1835 Sheridan Dr.

BWC 119

119

SUPPLEMENT # 2 Date Entered: 07/09/2020 15:32 Typist: BRIAN VALINT Officer: 477-VALINT

I attempted to take Eric Martin into custody for the purpose of processing by the C.I.B. on the charge of Criminal Possession of Stolen Property 5th. Martin was in possession of a lottery ticket that had been stolen at a recent burglary at 535 Kenmore Ave., Speedway. I reached for Martin's arm and he began to back away from me. At this time Det. Muscoreil approached Martin from behind and attempted to place Martin's hands behind his back. Martin began to tense his arms and refused to put his hands behind his back. I grabbed Martin's left arm and I placed a handcuff on his left wrist. Martin continued to resist by clenching his fists and by not putting his hands behind his back. I was able to connect my cuffs to Det. Muscoreil's cuffs as Martin was being lowered to the ground. Martin was placed on the ground at which time he stopped resisting arrest.

SUPPLEMENT #3 Date Entered: 07/09/2020 15:36 Typist: MARK SCRANTON Officer: 260-SCRANTON

I responded to assist with an investigation into a possession of stolen property and burglary at 535 Kenmore Ave. While on scene, the suspect, Eric Martin, was advised he was under arrest. Martin stated he was not going to jail, and not going into a police car. He was told again he was under arrest, and began to back up. Martin pulled his left arm away from Lt. Valint, and his momentum moved him in my direction. I grabbed Martin's left wrist, and he began to struggle, pulling his arm in front of him and bending forward. Martin was repeatedly told to stop resisting, and that he was under arrest. As he was leaning forward, I struck Martin twice with my knee in the mid thigh, attempting to hit his common paroneal nerve. After I struck him in the thigh, his left arm, which was already in a handcuff, loosened. I was then able to pull his arm behind his back. During the struggle, Martin was taken to the ground, and I was then able to successfully connect the left handcuff with another cuff that was on his right wrist. After he was cuffed, I asked Martin if he was ok, but he didn't respond. A TTP-47 use of force report completed. I then completed two charges for Ofc. lenco, which was forwarded to records along with the appearance ticket.

While at the store, I recovered the stolen lottery ticket a \$10,000,000 colossal cash lottery ticket. The ticket was entered into CHARMS as evidence, and placed in locker 10.

260

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CLERK

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Town of Tonawanda POLICE REPORT CRIM POSS STOLEN PROPERTY 5TH

Complaint 20-225084

Report Date & Time 07/09/2020 13:31

SUPPLEMENT # 4 Date Entered: 07/09/2020 15:40 Typist: MARK MUSCOREIL Officer: 204-MUSCOREIL

Det Scranton and I responded to the radio call of a subject inside the Speedway at 535 Kenmore Ave. in possession of a stolen lottery ticket from a burglary I'm investigating (20-224888) from 7/8/20. Upon arrival I spoke with LT Valint and who confirmed that the ticket was from the batch stolen yesterday. I then tried speaking with the offender, Eric Martin, who claimed he bought the ticket at the store yesterday but wouldn't say what time, when I told him that it was impossible for him to buy that ticket he became argumentative. I asked him to return to TTPD HQ to speak with me about the lotto ticket and he refused. I advised him that he was under arrest and at that time LT Valint attempted to take him into custody. Martin refused to put his hands behind his back, and was advised multiple times he was under arrest. I took control of his left arm and he continued to pull his arms forward refusing to comply with our commands. I was able to cuff his right arm, and get it behind his back, at which time LT Valint and I were able to take Martin into custody. Martin was returned to TTPD HQ West Interview Room by Patrol, where I read him his Miranda Rights and Martin immediately lawyered up. Det LT Moore and I then processed Martin and released him on an Appearance Ticket. Use of Force completed.

SUPPLEMENT # 5 Date Entered: 07/10/2020 12:55 Typist: JASON ARLINGTON Officer: 008-ARLINGTON

I responded to 535 Kenmore Ave, Speedway, to pick up videos stemming from this incident. I brought the video back to 1835, logged them into CHARMS, and turned them over to Detective Coffey. Complaint number of service was 20-225231.

800

Officer: 087 - IENCO 07/14/2020 12:03 PM

Printed Date.

Supervisor: 403 - KRIER

Page: 3

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 808523/2021 NYSCEF DOC. NO. 808523/2022

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF ERIE

ERIC C. MARTIN,

Plaintiff,

PLAINTIFF'S VERIFIED BILL OF PARTICULARS

VS.

Index No.: 808523/2021

TOWN OF TONAWANDA POLICE DEPARTMENT o/b/o THE TOWN OF TONAWANDA, SPEEDWAY LLC, MARATHON PETROLEUM CORPORATION, and JOHN DOE #1, 2, 3, 4, 5, 6, 7, 8,

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PLEASE TAKE NOTICE that Plaintiff, ERIC C. MARTIN, by his attorneys, Feroleto Law, in response to Defendant's, TOWN OF TONAWANDA POLICE DEPARTMENT (hereinafter "TTPD"), Demand for Bill of Particulars alleges upon information and belief:

- 1. The incident occurred on July 9, 2020 at 1:30 p.m.
- 2. The incident occurred in Defendant, SPEEDWAY, LLC's, store located at 535 Kenmore Avenue, Tonawanda, New York 14223
- 3. Defendant, TTPD, was negligent, careless, and reckless in its hiring, training, supervision, management, retention, and/or termination of its employees who were involved in, provoked, and facilitated the incident with which the Plaintiff described of in his Complaint. Additionally, Defendant, TTPD, was negligent, careless, and reckless in its management and failure to investigate and/or resolve the dispute described of in Plaintiff's Complaint; by exerting unreasonable and excessive force upon the Plaintiff that was unjustifiable under the circumstance; by depriving Plaintiff of his constitutional rights, including the right to Due Process and Equal Protection of the law; and by unlawfully engaging in a "strip search" of the Plaintiff, which negligence proximately caused the injuries/damages suffered by Plaintiff, ERIC C. MARTIN, both during and after the date of the incident that is the subject of this litigation.

- 4. Eric Martin was present at the Defendant Speedway's store to redeem a \$50 winning lottery ticket which he purchased for \$30 the day before, July 8, 2020 at the same Speedway store, 535 Kenmore Avenue, Tonawanda, NY. Mr. Martin was in the store for some minutes before the incident began. The question is evidentiary in nature and beyond the scope of a Bill of particulars, however Mr. Martin will testify at deposition.
- 5. There were customers of Speedway at the premises, names unknown, were employees of Speedway, and employees of the Town of Tonawanda Police Department whose names appear in the police reports, Mr. Martin's wife Ashley Martin was outside of the premises with the Martin's infant child. The question is evidentiary in nature, however interactions are shown on the Speedway video or videos, and Mr. Martin will testify at deposition.
- 6. Mr. Martin entered the Speedway store to redeem his lottery ticket, his wife, ASHLEY MARTIN, and their daughter remained outside of the store.
- 7. Plaintiff suffered injuries including spine injury including injury at cervical area, C5-C6 subligamentous annular bulge, C6-C7 subligamentous annular bulge; cervical disc disorder with radiculopathy and diffused paravertebral tenderness; thoracic spine sprain with associated muscle imbalances; connective oft tissue injuries in the area of the cervical spine; internal derangements of left knee; left-sided neck pain; left-sided ribs sprain; bilateral wrist injury, muscle spasms and tightness in the area of the neck and shoulders along with the natural sequence and sequela of said injuries. The injuries are permanent and, except those of a superficial nature. Plaintiff reserves the right to supplement this response.
- 8. Upon information and belief, Plaintiff's private health insurance carrier has covered all special damages listed in the attached medical date and cost chart. Plaintiff is not a Medicare / Medicaid

L **PM** Filed 05/11/23 Page 123 of

recipient. Plaintiff acknowledges this is a continuing demand and will provide defendants with updated

amounts accordingly.

9. Please see attached medical date and cost chart.

10. Not applicable.

11. Plaintiff will claim and unliquidated some for pain, suffering, humiliation and deprivation

of constitutional rights afforded to a United States citizen.

12. Claims have been made against the answering defendants, the TTPD due to the actions of

personnel of the town of Tonawanda Police Department and Speedway in the above-captioned action.

There have been no settlements. A Notice of Claim has previously been served on the Defendant, TOWN

OF TONAWANDA.

14. Upon information and belief, Defendant, TOWN OF TONAWANDA, violated 42 USC

1983, the fourth and 14th amendment of the Constitution of the United States of America, and such other

and further laws statutes, rules for regulations which will be provided in the supplement to this bill of

particulars. Plaintiff will rely upon any ordinance, rule, or regulation the trial court deems applicable at

the time of trial. Plaintiff reserves the right to supplement this response.

Plaintiff reserves the right to supplement each of the foregoing responses up to and including the

conclusion of trial.

DATED: September 7, 2021

Buffalo, New York

JOHN FEROLETO, ESO

FEROLETO LAW

Attorneys for Plaintiff

438 Main Street, Suite 910

Buffalo, New York 14202

Telephone: (716) 854-0700

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 808523/2021 Page 124 of 271 RECEIVED NYSCEF: 04/20/2022

TO: PAUL G. JOYCE, ESQ.
MARC S. SMITH, ESQ.
COLUCCI & GALLAHER, P.C.

Attorneys for Defendant The Town of Tonawanda Police Department o/b/o The Town of Tonawanda 2000 Liberty Building 424 Main Street Buffalo, New York 14202 Telephone: (716) 853-4080

CC: BRITTANY L. HANNAH, ESQ. SUGARMAN LAW FIRM, LLP

Attorneys for Speedway LLC 211 West Jefferson Street, Suite 20 Syracuse, New York 13202 Telephone: (315) 474-2943 FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 16:23-CV-00419-WMS-MJR Document 1-15 Filed 05/11/23 Page 125 of 271 RECEIVED NYSCEF: 04/20/2022

ERIC MARTIN DOL: 07/09/20

Trinity Medical WNY	07/10/20	
Paul L. LaPoint, D.O.		
192 Park Club Ln.		
Williamsville, NY 14221		
	07/24/20	
	08/12/20	
	08/24/20	
Buffalo MRI	08/20/20	
4925 Main St.		
Amherst, NY 14226		
Optimal Therapy Associates Services	09/04/20	
2495 Main St., Ste. 234		
Buffalo, NY 14214	00/00/00	
	09/08/20	
	09/10/20	
	09/15/20	
	09/17/20	
	09/22/20	
	09/24/20	
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	11/02/20	
	11/05/20	
	11/09/20	
	11/12/20	
	11/16/20	
	11/19/20	
Buffalo Spine and Sports Medicine	11/18/20	
Dr. Michael Cicchetti	11,10,20	
100 College Pkwy, Suite 100		
Williamsville, NY 14221		
	11/24/20	

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 123-CV-00419-WMS-MJR DOCUMENT 1-15 FILED 05/11/23 Page 126 of 271 NYSCEF: 04/20/2022

SUPREME COURT	OF THE	STATE	OF	NEW	YORK
COUNTY OF ERIE					

ERIC C. MARTIN,

Plaintiff,

PLAINTIFF'S OMNIBUS DISCOVERY DEMANDS

vs. Index No.: 808523/2021

TOWN OF TONAWANDA POLICE DEPARTMENT o/b/o THE TOWN OF TONAWANDA, SPEEDWAY LLC, MARATHON PETROLEUM CORPORATION, and JOHN DOE #1, 2, 3, 4, 5, 6, 7, 8,

Defendants.	

PLEASE TAKE NOTICE that the Plaintiff hereby demands that Defendant, TOWN OF TONAWANDA POLICE DEPARTMENT (hereinafter "TTPD"), serve upon the undersigned attorney with TWENTY (20) days after the date of service hereof the following information and documentation:

PLEASE TAKE NOTICE that pursuant to CPLR § 3101(e), the Plaintiff, hereby demands that you furnish the attorneys for the Plaintiff, within twenty (20) days of the service of this notice, copies of all statements of the Plaintiff, the agents, servants or employees of said Plaintiff including any oral, stenographic or written statements, whether signed or unsigned, or a notice of letter stating that you have no such statements.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR § 3101, the Plaintiff hereby demands that you provide the attorneys for the Plaintiff, within twenty (20) days of the service of this notice, the names and addresses of each and every party you represent to be a witness, to the following:

(a) the occurrence alleged in the complaint;

- (b) the scene of the occurrence alleged in the complaint;
- (c) any condition which it is alleged caused or contributed to the occurrence alleged in the complaint.

PLEASE TAKE NOTICE that pursuant to CPLR § 3101 and 3120, Plaintiff demands that you furnish to the attorneys for the Plaintiff, within twenty (20) days of the service of this notice, photographs, moving pictures, slides and/or films, any and all surveillance materials, materials depicting or alleging to depict the Plaintiff which you intend to use at the time of the trial of this action, now in your possession, custody or control, or in the possession, custody or control of any party you represent in this action and photographs, moving pictures, slides and/or films which depict the scene of the occurrence alleged in the complaint, the instrumentality or instrumentalities involved in the occurrence and the Plaintiff. This demand is continuing in nature and demand is hereby made that you produce such materials at the undersigned's office for inspection and copying within twenty (20) days of the date of this notice or within twenty (20) days after you, or said party, obtain possession, custody or control of same, whichever is later.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR § 3101(a), the Plaintiff hereby demands that you provide the attorneys for the Plaintiff, within twenty (20) days of the service of this notice, any and all written reports concerning the incident which is the subject of this litigation (i.e., MV-104 forms of any participant in the incident, report to law enforcement agency of fire department, Worker's Compensation forms C-2 and C-3, reports or statements arising from or conducted in connection with internal investigations or inquiries, reports to or from any governmental agency or official, reports of investigations conducted by third parties (excepting those investigations conducted exclusively in preparation for this litigation), reports to liability insurance carriers and/or other similar memoranda).

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR § 3101(d), the answering Plaintiff hereby demands that you furnish to the attorneys for the Plaintiff, within twenty (20) days of the receipt of this notice, the identity of each person whom you expect to call as an expert witness at the trial of this above captioned action. As to each person identified, specify:

- (a) the name and qualification of the expert;
- (b) the subject matter upon which the expert is expected to testify;
- (c) the substance of the facts and opinion is expected to testify;
- (d) the grounds for each expert's opinion.

PLEASE TAKE FURTHER NOTICE that the Plaintiff hereby demand that you furnish to the attorneys for the Plaintiff any hospital or medical records of the Plaintiff obtained pursuant to Article 3100 of the CPLR.

PLEASE TAKE FURTHER NOTICE that, pursuant to § 3101(f) of the CPLR, the Plaintiff hereby demands that you furnish to the attorneys for the Plaintiff within twenty (20) days of the receipt of this notice, proof of the policy limits of any and all insurance including primary, secondary and excess coverage which may be liable to satisfy all or any part of a judgment which may be entered in the above-entitled action or to indemnify or reimburse for payments made to satisfy said judgment.

PLEASE TAKE FURTHER NOTICE that, pursuant to Folgate vs. Brookhaven Memorial Hospital, 86 Misc.2d 191, 381 N.Y.S.2d 384, the Plaintiff hereby demands the number and amount of other claims filed against your client and any amounts paid with respect to those claims, which would be applicable to the maximum amount of coverage provided during the policy term.

PLEASE TAKE FURTHER NOTICE that unless the aforesaid information and items are furnished within the specified time or a statement in writing indicating that such information and items are not in your possession is supplied within the specified time, appropriate penalties will be sought.

PLEASE TAKE FURTHER NOTICE that the Defendants have a continuous duty to inform the Plaintiff of any changes in the Defendants' responses as demanded above.

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 123-CV-00419-WMS-MJR DOCUMENT 1-15 Filed 05/11/23 Page 129 of 271 RECEIVED NYSCEF: 04/20/2022

DATED:

September 7, 2021 Buffalo, New York

> JOHN FEROLETO, ESQ. FEROLETO LAW

Attorneys for Plaintiff 438 Main Street, Suite 910 Buffalo, New York 14202 Telephone: (716) 854-0700

TO: PAUL G. JOYCE, ESQ.
MARC S. SMITH, ESQ.
COLUCCI & GALLAHER, P.C.

Attorneys for Defendant The Town of Tonawanda Police Department o/b/o The Town of Tonawanda 2000 Liberty Building 424 Main Street Buffalo, New York 14202 Telephone: (716) 853-4080

CC: BRITTANY L. HANNAH, ESQ. SUGARMAN LAW FIRM, LLP

Attorneys for Speedway LLC 211 West Jefferson Street, Suite 20 Syracuse, New York 13202 Telephone: (315) 474-2943 FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 808523/2021 PM INDEX NO. 808523/2021 P

SUPREME COURT	OF	THE	STATE	OF	NEW	YORK
COUNTY OF ERIE						

ERIC C. MARTIN,

Plaintiff

NOTICE DECLINING SERVICE BY MEANS OF ELECTRONIC OR FACSIMILE TRANSMITTAL

v. Index No.: 803299/2021

TOWN OF TONAWANDA POLICE DEPARTMENT o/b/o THE TOWN OF TONAWANDA, SPEEDWAY LLC, MARATHON PETROLEUM CORPORATION, and JOHN DOE #1, 2, 3, 4, 5, 6, 7, 8,

Defendants.

SIRS:

PLEASE TAKE NOTICE, that pursuant to CPLR § 2103(5), the undersigned will not accept service of papers, notices, motions, etc., by facsimile transmittal or by any other electronic means.

DATED:

September 7, 2021

Buffalo, New York

JOHN FEROLETO, ESQ. FEROLETO LAW

Attorneys for Plaintiff 438 Main Street, Suite 910 Buffalo, New York 14202 Telephone: (716) 854-0700 FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 808523/2021 Page 131 of 271 RECEIVED NYSCEF: 04/20/2022

TO: PAUL G. JOYCE, ESQ.
MARC S. SMITH, ESQ.
COLUCCI & GALLAHER, P.C.

Attorneys for Defendant The Town of Tonawanda Police Department o/b/o The Town of Tonawanda 2000 Liberty Building 424 Main Street Buffalo, New York 14202 Telephone: (716) 853-4080

CC: BRITTANY L. HANNAH, ESQ. SUGARMAN LAW FIRM, LLP

Attorneys for Speedway LLC 211 West Jefferson Street, Suite 20 Syracuse, New York 13202 Telephone: (315) 474-2943 FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2023 NYSCEF DOC. NO. 808523/2023 Page 132 of 271 NYSCEF DOC. NO. 808523/2023 Page 132 of 271 NYSCEF: 04/20/2023

SUPREME COURT	OF	THE	STATE	OF	NEW	YOR	Ж
COUNTY OF ERIE							

ERIC C. MARTIN,

Plaintiff,

PLAINTIFF'S DEMAND FOR VERIFIED BILL OF PARTICULARS

vs. Index No.: 808523/2021

TOWN OF TONAWANDA POLICE DEPARTMENT o/b/o THE TOWN OF TONAWANDA, SPEEDWAY LLC, MARATHON PETROLEUM CORPORATION, and JOHN DOE #1, 2, 3, 4, 5, 6, 7, 8,

Defendants.	

PLEASE TAKE NOTICE that the Plaintiff hereby demands that Defendant, TOWN OF TONAWANDA, serve upon the undersigned attorney with TWENTY (20) days after the date of service hereof a Verified Bill of Particulars of the claims of the Defendants specifying and stating the following:

- 1. State the facts which form the basis for Defendant's affirmative defense that Plaintiff fails to state a proper cause of action against the answering Defendants and should be dismissed.
- 2. State the facts which form the basis of Defendants affirmative defense that the acts of others, not under the control of the Town, are the proximate cause of acts alleged by the Plaintiff.
- 3. State the culpable conduct of Plaintiff facts which form the basis for Defendant's affirmative defense that plaintiff damages sustained were caused or were contributed to by the culpable conduct of plaintiff.

TILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/202

4. Identify the administrative remedies Defendant claims Plaintiff failed to exhaust

administrative remedies, as alleged in its affirmative defense.

5. State the facts which form the basis and statute relied on for Defendant's

affirmative defense that the Complaint fails to state viable claims against the Town, and

therefore, should be dismissed as a matter of law.

6. State the facts upon which the Defendants rely upon which is the basis of its

affirmative defense that this matter should not proceed in the absence of person who should be

parties to this action.

7. State the facts which form the of Defendant's affirmative defense that that the

Town, through its agents and/or employees, took actions which were privileged as being judicial,

quasi-judicial, or discretionary determinations made by such agents and/or employees while

acting within the scope of their duties as public officials and that defendants are therefore

immune from any liability for such actions.

8. State the facts which form the basis and statute you will rely on for Defendant's

affirmative defense that the Town must be protected by qualified immunity in this action as the

alleged actions would have been undertaken in good faith and with the reasonable belief that

they were lawful and did not violate a clearly established federal or state right of Plaintiff.

DATED:

September 7, 2021

Buffalo, New York

JOHN FEROLETO, ESQ.

FEROLETO LAW

Attorneys for Plaintiff

438 Main Street, Suite 910

Buffalo, New York 14202

Telephone: (716) 854-0700

TO: PAUL G. JOYCE, ESQ.

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 16:23-CV-00419-WMS-MJR Document 1-15 Filed 05/11/23 Page 134 of 271 RECEIVED NYSCEF: 04/20/2022

MARC S. SMITH, ESQ. COLUCCI & GALLAHER, P.C.

Attorneys for Defendant The Town of Tonawanda Police Department o/b/o The Town of Tonawanda 2000 Liberty Building 424 Main Street Buffalo, New York 14202 Telephone: (716) 853-4080

CC: BRITTANY L. HANNAH, ESQ. SUGARMAN LAW FIRM, LLP

Attorneys for Speedway LLC 211 West Jefferson Street, Suite 20 Syracuse, New York 13202 Telephone: (315) 474-2943 FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 808523/2021 Page 135 of 271 RECEIVED NYSCEF: 04/20/2022

SUPREME COURT OF	THE	STATE	OF	NEW	YOF	ŀΚ
COUNTY OF ERIE						

ERIC C. MARTIN,

Plaintiff,

REQUEST FOR DOCUMENTS AND DISCOVERY

vs. Index No.: 808523/2021

TOWN OF TONAWANDA POLICE DEPARTMENT o/b/o THE TOWN OF TONAWANDA, SPEEDWAY LLC, MARATHON PETROLEUM CORPORATION, and JOHN DOE #1, 2, 3, 4, 5, 6, 7, 8,

Defendants.

Pursuant to Civil Practice Law and Rules, the Plaintiff hereby demands that you produce the following documents for copying and inspection, within TWENTY (20) DAYS of service of this demand.

DEFINITIONS

As used herein, the terms listed below are defined as follows:

The term "Document" as used herein shall be given a very broad definition to include every type of paper, writing, data, record, graphic, drawing, photograph, audio recording and video recording. The term includes material in all forms, including printed, written, recorded, or other. The term includes all files, records and data contained in any computer system, computer component and/or computer storage (e.g., hard drive, disc, magnetic tape, backup system, etc.). This term includes, but is not limited to, correspondence, reports, meeting minutes, memoranda, stenographic or handwritten notes, diaries, notebooks, account books, orders, invoices, statements, bills, checks, vouchers, purchase orders, studies, surveys, charts, maps, analyses, publications, books, pamphlets, periodicals, catalogues, brochures, schedules, circulars, bulletins, notices, instructions, manuals, journals, e-mails, e-mail attachments, data sheets, work sheets,

statistical compilations, data processing cards, microfilms, computer records (including printouts, disks or other magnetic storage media), tapes, photographs (positive or negative prints), drawings, films, videotapes, hard drive recordings, pictures, and voice recordings. Plaintiff expressly intends for the term "Document" to include every copy of such writing, etc. when such copy contains any commentary or notation whatsoever that does not appear on the original and any attachments or exhibits to the requested document or any other documents referred to in the requested document or incorporated by reference.

With regard to any term used herein that is deemed by the responding party as being ambiguous or vague, a term shall be construed in its broadest sense to encompass all reasonable definitions of that term.

IF YOU BELIEVE ANY DOCUMENTS ARE PRIVILEGED, as required by CPLR RULE 3122(b) state with reasonable particularity the reasons for each objection: (1) the type of document; (2) the general subject matter of the document; (3) the date of the document; and (4) such other information as is sufficient to identify the document.

1. Please see list of requests attached hereto as "Exhibit 1".

DATED: September 7, 2021

Buffalo, New York

JOHN FEROLETO, ESQ.

FEROLETO LAW

Attorneys for Plaintiff

438 Main Street, Suite 910

Buffalo, New York 14202

Telephone: (716) 854-0700

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TO: PAUL G. JOYCE, ESQ.
MARC S. SMITH, ESQ.
COLUCCI & GALLAHER, P.C.

Attorneys for Defendant The Town of Tonawanda Police Department o/b/o The Town of Tonawanda 2000 Liberty Building 424 Main Street Buffalo, New York 14202 Telephone: (716) 853-4080

CC: BRITTANY L. HANNAH, ESQ. SUGARMAN LAW FIRM, LLP

Attorneys for Speedway LLC 211 West Jefferson Street, Suite 20 Syracuse, New York 13202 Telephone: (315) 474-2943

Exhibit 1

Request to TOWN OF TONAWANDA POLICE DEPARTMENT

- 2. Documents identifying the name, badge number, and rank of each Town of Tonawanda Police Department (TTPD) personnel who was at the Speedway location of 535 Kenmore Avenue, Tonawanda, New York 14223 on July 9, 2020 or were involved in the arrest, detention, search, booking, processing, searching of ERIC C. MARTIN. Documents indicating chain of command, organizational schematic, or any other documents indicating chain of command, departments, and supervisory capacity of the TTPD in effect at that time.
- 3. Documents referring or relating to what instructions and/or orders, if any, the TTPD gave with respect to the arrest, detention and search of ERIC C. MARTIN, including those given to TTPD personnel JOHN DOE #1, JOHN DOE #2, JOHN DOE #3, JOHN DOE #4, and JOHN DOE #5, personnel at 535 Kenmore Avenue, before, and after the arrest, detention and search of Plaintiff, ERIC C. MARTIN.
- 4. All documents referring to or relating to ERIC C. MARTIN or his father, Eric Martin, from the period of July 1, 2019 through June 29, 2021 including investigations, notations, calendars, scheduling or other, whether physical documents, other media such as computer stored data, etc.
- 5. Documents referring or relating to any contact between the TTPD and any representative, employee, or individual of Speedway LLC or individuals associated with or representing Speedway with respect to ERIC C. MARTIN and any incident involving ERIC C. MARTIN. All documents, emails, notations, records or other means of correspondence exchanged between the TTPD, Speedway LLC, New York State Lottery, or any other entity with respect to ERIC C. MARTIN. Documents referring or relating to any contact between the TTPD and any representative employee or individual from New York State Lottery with respect to

determining the meaning of an error, or validating a New York State lottery ticket for the period January 1, 2020 through December 31, 2020.

- 6. Documents referring or relating to audio calls, documents, or computer-stored information referring or relating to calls or communications to or from the employees or agents of the Speedway located at 535 Kenmore Avenue, Tonawanda, NY 14223 along with dispatches for complaints, reports, incidents or matters within 200 feet of said address for the period of July 7, 2020 through August 30, 2020.
- 7. Documents referring or relating to any statements made by the Plaintiff, ERIC C. MARTIN, or statements made by any member of Plaintiff's family or relatives with respect to the incident involving ERIC C. MARTIN, the TTPD, or Speedway, whether written, audio, video, motion picture, police camera, photograph, or any other recording or media during the period of July 2020 through December 2020.
- 8. All documents, including reports audio, video, records, investigation referring or relating to a break-in, burglary, or police response involving the Speedway located at 535 Kenmore Avenue, Tonawanda, New York on or about July 8, 2020.
- 9. Documents, including protocols, orders, suggestions, policies, or procedures referring or relating to the booking of individuals potentially involving violations, misdemeanors, or crimes in the Town of Tonawanda. Documents referring to booking, charging, or providing appearance tickets for nonviolent misdemeanors along with all protocols for issuing appearance tickets. Documents referring or relating to instances when appearance tickets may be provided instead of arrest in effect in the calendar year 2020.
- 10. Documents referring or relating to the use of force in effectuating an arrest in effect for the period of January 1, 2020 through December 31, 2020, along with each iteration of said policies, including COVID protocols, policies, memos, notations or suggestions, and each copy of said documents with marks or notations on them.

Documents referring or relating to and including training materials written materials, slideshows, videos, or other media discussing the use of force or use of violence as to the arrest of individuals, when appropriate, how to decelerate encounters, and how to investigate crimes and misdemeanors used to train TTP personnel JOHN DOEs 1-5.

- 12. Documents referring or relating to disciplinary actions resulting from the engagement, interaction, or other contact or actions with ERIC C. MARTIN. Documents indicating violations of procedures, protocols, rules, and suggestions in the arrest, detention, and booking of Eric Martin on or about July 9, 2020. Documents, files, transcripts, audio recordings or media otherwise stored referring or relating to disciplinary measures taken against the officers involved in the arrest, detention, or search of Plaintiff, ERIC C. MARTIN.
- 13. The personal and disciplinary files, including documents, audio recording, computer stored information, or other media, including every iteration thereof of each hearing, transcript, communication, report, preliminary report, final report in each version thereof, of disciplinary matters, hearings, files of police personnel Brian Ienco, Mark Muscoreil and Brian Valient.
- 14. Documents referring or relating to each and every option available to the TTP personnel other than arresting and handcuffing, generally for nonviolent misdemeanors, and specifically Plaintiff, ERIC C. MARTIN, in July, 2020.
- 15. Documents referring or relating to all procedures, memos, correspondence, e-mails, notes, and written conversations pertaining to the strip search of Plaintiff, ERIC C. MARTIN. Documents referring or relating to the procedural steps that the TTPD may take or is required to take prior to the commencement of a strip search, and under what circumstances the TTPD may conduct strip searches.
- 16. Documents referring or relating to actions which may be taken by the TTPD or its employees in an attempt to resolve a dispute of potentially stolen property before placing an individual in handcuffs and arresting him or her.

- 17. Documents indicating all actions taken, investigations performed, or procedures followed before the arrest and detainment of Eric Martin on July 9, 2020. Documents indicating all means taken by the TTPD to determine whether the matter involving ERIC C. MARTIN was a civil dispute or an error by Speedway.
- 18. Documents indicating the date of hire of each TTPD personnel involved in the arrest and detainment of Plaintiff, ERIC C. MARTIN; a chronological listing of all ranks and positions held by said personnel; a description of duties for each rank and position held; a list of all police and criminal justice training that they have attended; the dates they attended said training; the address of the facilities that they have attended; and a list of assignments or each Defendant officer from their respective start date with the Defendant, TTPD to present.
- 19. Each TTPD document and instruction to police personnel involving the use of force along with each version or iteration of said document in effect from January 1, 2020-January 1, 2021.
- 20. Documents referring or relating to protocol changes and reduced in-person scheduling for the TTPD during the period of January 1, 2020 through December 31, 2020. Documents indicating all changes which were made with respect to arrest, booking, detention, searching of individuals, as a result of the incident with Plaintiff, ERIC C. MARTIN.
- 21. Documents referring or relating to calls, complaints, responses, or visits to the Speedway located at 535 Kenmore Avenue, Tonawanda, New York 14223 from the period of July 30, 2017 through July 30, 2020. Documents referring or relating to police calls or activity of the TTPD for the period of July 7 through July 9, 2020.

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COLUCCI & GALLAHER, P.C.

Direct Dial:

(716) 853-6509

Email:

pjoyce@colucci-gallaher.com

November 2, 2021

Via Hand Delivery
John Feroleto, Esq.
Feroleto Law
438 Main Street, Suite 910
Buffalo, New York 14201

NOV 0 2 2021

Via hand delivery

Re: Martin v. The Town of Tonawanda Police Department, et al.

Index No. 808523/2021

Dear Mr. Feroleto:

On behalf of Defendant, Town of Tonawanda Police Department o/b/o The Town of Tonawanda, we have enclosed the following:

- 1. Response to Request for Documents and Discovery;
- 2. Response to Plaintiff's Omnibus Discovery Demands; and
- 3. Verified Bill of Particulars.

Should you have any questions, please do not hesitate to contact me at (716) 853-6509.

Very truly yours,

Paul G Joyce

for Colucci & Gallaher, P.C.

PGJ:bu Enclosures

copy w/encs.: Brittany L. Hannah, Esq.

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 1/23-CV-00419-WMS-MJR Document 1-15 Filed 05/11/23 Page 143 of 271 NYSCEF: 04/20/2022

SUPREME COURT	OF	THE	STAT	E OF	NEW	YORK
COUNTY OF ERIE						

ERIC C. MARTIN,

Plaintiff,

RESPONSE TO REQUEST FOR DOCUMENTS AND DISCOVERY

vs. Index No.: 808523/2021

TOWN OF TONAWANDA POLICE DEPARTMENT o/b/o THE TOWN OF TONAWANDA, SPEEDWAY LLC, MARATHON PETROLEUM CORPORATION, and JOHN DOE #1, 2, 3, 4, 5, 6, 7, 8,

Deje n aanis.	

Defendant the TOWN OF TONAWANDA ("the Town"), by and through its attorneys, Colucci & Gallaher, P.C., hereby responds to plaintiff's Request for Documents and Discovery, states as follows:

GENERAL OBJECTIONS

- 1. The Town objects to the Demands to the extent that they call for the production of documents or information protected by the attorney-client privilege, the work-product immunity, or any other privilege or immunity. Should the Town inadvertently produce any documents or information protected by any such privileges or immunities, such production shall in no way be intended, nor shall it be construed, as a waiver of those privileges or immunities.
- 2. The Town continues to investigate the facts at issue in this matter and awaits discovery responses from the plaintiff. The Town will supplement the responses to the Demands as appropriate.

- 3. The Town's response that it will produce the documents sought by a particular demand does not constitute an admission that the subject matter of such documents is in fact relevant to any claim or defense, or that such documents should be admissible at trial.
- 4. The Town objects to the Demands to the extent that they seek production of any documents containing confidential business information of the Town.
- 5. The Town objects to the Demands to the extent any of them seek production of documents that are publicly available, or are in the possession, custody, or control of the plaintiff or co-defendants, or are otherwise equally accessible to the parties.
- 6. The following specific responses are expressly subject to, do not constitute a waiver of, and incorporate fully all of the above general objections.

RESPONSES

<u>Demand 2</u>. Documents identifying the name, badge number, and rank of each Town of Tonawanda Police Department (TTPD) personnel who was at the Speedway location of 535 Kenmore Avenue, Tonawanda, New York 14223 on July 9, 2020 or were involved in the arrest, detention, search, booking, processing, searching of ERIC C. MARTIN. Documents indicating chain of command, organizational schematic, or any other documents indicating chain of command, departments, and supervisory capacity of the TTPD in effect at that time.

Response to Demand 2: The Town objects to this demand on the grounds that it is overbroad in its scope, as it is not limited to documents relating to the arrest of Eric Martin. Subject to, and without waiver of the foregoing objection, attached as Exhibit A is a copy of the Town of Tonawanda Police Department Complaint No. 20-225084, dated July 9, 2020, along with supporting documents regarding the investigation that lead to the arrest of plaintiff Eric C. Martin. Included in Exhibit A is a chart outlining the chain of command of the Town of Tonawanda Police Department.

Demand 3. Documents referring or relating to what instructions and/or orders, if any, the TTPD gave with respect to the arrest, detention and search of ERIC C. MARTIN, including those given to TTPD personnel JOHN DOE #1, JOHN DOE #2, JOHN DOE #3, JOHN DOE #4, and JOHN DOE #5, personnel at 535 Kenmore Avenue, before, and after the arrest, detention and search of Plaintiff, ERIC C. MARTIN.

Response to Demand 3: The Town objects to this demand as vague in its failure to identify what "instructions and/or orders" are the subject of the request. Furthermore, the Town cannot ascertain if documents were provided to individuals whose identities are unknown and not specified. Subject to, and without waiver of the foregoing, see the documents attached as Exhibit A.

<u>Demand 4.</u> All documents referring to or relating to ERIC C. MARTIN or his father, Eric Martin, from the period of July 1, 2019 through June 29, 2021 including investigations, notations, calendars, scheduling or other, whether physical documents, other media such as computer stored data, etc.

Response to Demand 4: The Town objects to this demand as vague, overbroad, and demands for documents that are not relevant to or reasonably related to the causes of action or defenses raised in the instant action. Subject to, and without waiver of the foregoing, see the documents attached as Exhibit A.

Demand 5. Documents referring or relating to any contact between the TTPD and any representative, employee, or individual of Speedway LLC or individuals associated with or representing Speedway with respect to ERIC C. MARTIN and any incident involving ERIC C. MARTIN. All documents, emails, notations, records or other means of correspondence exchanged between the TTPD, Speedway LLC, New York State Lottery, or any other entity with respect to ERIC C. MARTIN. Documents referring or relating to any contact between the TTPD and any representative employee or individual from New York State Lottery with respect to determining the meaning of an error, or validating a New York State lottery ticket for the period January 1, 2020 through December 31, 2020.

Response to Demand 5: See the documents attached as Exhibit A.

<u>Demand 6</u>. Documents referring or relating to audio calls, documents, or computer-stored information referring or relating to calls or communications to or from the employees or agents of the Speedway located at 535 Kenmore Avenue, Tonawanda, NY 14223 along with dispatches for complaints, reports, incidents or matters within 200 feet of said address for the period of July 7, 2020 through August 30, 2020.

Response to Demand 6: The Town objects to this demand as vague, overbroad and seeks documents that are not relevant to or reasonably related to the causes of action or defenses raised in the instant action. In addition, the scope of the request seeks documents from a different municipality. Subject to, and without waiver of the foregoing objections, see the documents attached as Exhibit A.

Demand 7. Documents referring or relating to any statements made by the Plaintiff, ERIC C. MARTIN, or statements made by any member of Plaintiff's family or relatives with respect to the incident involving ERIC C. MARTIN, the TTPD, or Speedway, whether written, audio, video, motion picture, police camera, photograph, or any other recording or media during the period of July 2020 through December 2020.

Response to Demand 7: See documents attached as Exhibit A.

<u>Demand 8</u>. All documents, including reports audio, video, records, investigation referring or relating to a break-in, burglary, or police response involving the Speedway located at 535 Kenmore Avenue, Tonawanda, New York on or about July 8, 2020.

Response to Demand 8: See documents attached as Exhibit A.

<u>Demand 9</u>. Documents, including protocols, orders, suggestions, policies, or procedures referring or relating to the booking of individuals potentially involving violations, misdemeanors, or crimes in the Town of Tonawanda. Documents referring to booking, charging, or providing appearance tickets for nonviolent misdemeanors along with all protocols for issuing appearance tickets. Documents referring or relating to instances when appearance tickets may be provided instead of arrest in effect in the calendar year 2020.

Response to Demand 9: The Town objects to this demand as vague, overbroad and seeks documents that are not relevant to or reasonably related to the causes of action or defenses raised in the instant action.

<u>Demand 10</u>. Documents referring or relating to the use of force in effectuating an arrest in effect for the period of January 1, 2020 through December 31, 2020, along with each iteration of said policies, including COVID protocols, policies, memos, notations or suggestions, and each copy of said documents with marks or notations on them.

Response to Demand 10: The Town objects to Demand No. 10 on the grounds it is vague, overbroad, seeks documents that are not approved policies or procedures of the Town, and it

does not clarify with enough specificity what documents are being requested. Subject to, and without waiver of the foregoing, see documents attached as Exhibit A.

<u>Demand 11</u>. Documents referring or relating to and including training materials written materials, slideshows, videos, or other media discussing the use of force or use of violence as to the arrest of individuals, when appropriate, how to decelerate encounters, and how to investigate crimes and misdemeanors used to train TTP personnel JOHN DOEs 1-5.

Response to Demand 11: The Town objects to this demand as vague, as the training documents for unknown individuals cannot be determined.

<u>Demand 12</u>. Documents referring or relating to disciplinary actions resulting from the engagement, interaction, or other contact or actions with ERIC C. MARTIN. Documents indicating violations of procedures, protocols, rules, and suggestions in the arrest, detention, and booking of Eric Martin on or about July 9, 2020. Documents, files, transcripts, audio recordings or media otherwise stored referring or relating to disciplinary measures taken against the officers involved in the arrest, detention, or search of Plaintiff, ERIC C. MARTIN.

Response to Demand 12: The Town objects to each of the three demands included in Demand No. 12 on the grounds that they seek documents that are not relevant to or reasonably related to the causes of action or defenses raised in the instant action and it seeks documents that would constitute an unwarranted invasion of personal privacy under Public Officers Law §87(2)(b).

<u>Demand 13</u>. The personal and disciplinary files, including documents, audio recording, computer stored information, or other media, including every iteration thereof of each hearing, transcript, communication, report, preliminary report, final report in each version thereof, of disciplinary matters, hearings, files of police personnel Brian Ienco, Mark Muscoreil and Brian Valient.

Response to Demand 13: The Town objects to Demand No. 13 on the grounds that it seeks documents that would constitute an unwarranted invasion of personal privacy under Public Officers Law §87(2)(b). Subject to, and without waiver of the foregoing, see the documents attached as Exhibit A.

Demand 14. Documents referring or relating to each and every option available to the TTP personnel other than arresting and handcuffing, generally for nonviolent misdemeanors, and specifically Plaintiff, ERIC C. MARTIN, in July, 2020.

Response to Demand 14: The Town objects to this demand as vague and overbroad as it does not clarify with specificity what documents are being requested.

<u>Demand 15</u>. Documents referring or relating to all procedures, memos, correspondence, emails, notes, and written conversations pertaining to the strip search of Plaintiff, ERIC C. MARTIN. Documents referring or relating to the procedural steps that the TTPD may take or is required to take prior to the commencement of a strip search, and under what circumstances the TTPD may conduct strip searches.

Response to Demand 15: As for the first demand in Demand No. 15, see the documents attached as Exhibit A; as for the second demand in Demand No. 15, the Town objects as vague, as it does not define the term "strip search." Subject to, and without waiver of the foregoing, see documents attached as Exhibit A.

<u>Demand 16</u>. Documents referring or relating to actions which may be taken by the TTPD or its employees in an attempt to resolve a dispute of potentially stolen property before placing an individual in handcuffs and arresting him or her.

Response to Demand 16: The Town objects to this demand as vague and overbroad as it does not clarify with specificity what documents are being requested.

<u>Demand 17</u>. Documents indicating all actions taken, investigations performed, or procedures followed before the arrest and detainment of Eric Martin on July 9, 2020. Documents indicating all means taken by the TTPD to determine whether the matter involving ERIC C. MARTIN was a civil dispute or an error by Speedway.

Response to Demand 17: The Town objects to this demand as vague and overbroad as it does not clarify with specificity what documents are being requested. Subject to, and without waiver of the foregoing, see documents attached as Exhibit A.

<u>Demand 18</u>. Documents indicating the date of hire of each TTPD personnel involved in the arrest and detainment of Plaintiff, ERIC C. MARTIN; a chronological listing of all ranks and positions held by said personnel; a description of duties for each rank and position held; a list of all police and criminal justice training that they have attended; the dates they attended said training; the address of the facilities that they have attended; and a list of assignments

or each Defendant officer from their respective start date with the Defendant, TTPD to present.

Response to Demand 18: The Town objects to this seven individual demands included in Demand No. 18 as overbroad, vague in its failure to identify specific individuals, unduly burdensome, unlimited in scope, seeks documents that are not relevant to or reasonably related to the causes of action or defenses raised in the instant action, and seeks documents that would constitute an unwarranted invasion of personal privacy under Public Officers Law §87(2)(b).

Demand 19. Each TTPD document and instruction to police personnel involving the use of force along with each version or iteration of said document in effect from January 1, 2020-January 1, 2021.

Response to Demand 19: The Town objects to this demand on the grounds it is duplicative, overbroad in its request for "each TTPD document" instead of just the use of force policy, and seeks documents that would constitute an unwarranted invasion of personal privacy under Public Officers Law §87(2)(b). Subject to, and without waiver of, the foregoing objections, see the documents attached as Exhibit A.

Demand 20. Documents referring or relating to protocol changes and reduced in-person scheduling for the TTPD during the period of January 1, 2020 through December 31, 2020. Documents indicating all changes which were made with respect to arrest, booking, detention, searching of individuals, as a result of the incident with Plaintiff, ERIC C. MARTIN.

Response to Demand 20: The Town objects to first demand in Demand No. 20 on the grounds that this demand is overbroad and seeks documents that are not relevant to or reasonably related to the causes of action or defenses raised in the instant action. As for the second demand under Demand No. 20, it also seeks documents that are not relevant to or reasonably related to the causes of action or defenses raised in the instant action. Subject to

the foregoing objections, to the extent responsive documents exist, see documents attached as Exhibit A.

Demand 21. Documents referring or relating to calls, complaints, responses, or visits to the Speedway located at 535 Kenmore Avenue, Tonawanda, New York 14223 from the period of July 30, 2017 through July 30, 2020. Documents referring or relating to police calls or activity of the TTPD for the period of July 7 through July 9, 2020.

Response to Demand 21: The Town objects to first this demand as overbroad, unduly burdensome and documents that are not relevant to or reasonably related to the causes of action or defenses raised in the instant action, is duplicative of prior requests and overbroad in the three year date range. Subject to, and without waiver of the foregoing objections, see the documents attached as Exhibit A.

DATED:

November 2, 2021 Buffalo, New York COLUC**¢**I & GALLAHER, P.C.

Paul G. Marc Smith

2000 Liberty Building 424 Main Street Buffalo, New York 14202 (716) 853-4080 pjoyce@colucci-gallaher.com

Attorneys for the Town of Tonawanda

TO: JOHN FEROLETO, ESQ. FEROLETO LAW Attorneys for Plaintiff 438 Main Street, Suite 910 Buffalo, New York 14202 Telephone: (716) 854-0700

CC: BRITTANY L. HANNAH, ESQ. SUGARMAN LAW FIRM, LLP Attorneys for Speedway LLC 211 West Jefferson Street, Suite 20 Syracuse, New York 13202 Telephone: (315) 474-2943



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SUPREME COURT	OF	THE	STATE	OF	NEW	YOR	K
COUNTY OF ERIE							

ERIC C. MARTIN,

Plaintiff,

RESPONSE TO
PLAINTIFF'S OMNIBUS
DISCOVERY DEMANDS

VS.

Index No.: 808523/2021

TOWN OF TONAWANDA POLICE DEPARTMENT o/b/o THE TOWN OF TONAWANDA, SPEEDWAY LLC, MARATHON PETROLEUM CORPORATION, and JOHN DOE #1, 2, 3, 4, 5, 6, 7, 8,

Defen	dants.	
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Defendant TOWN OF TONAWANDA, hereinafter "the Town," by and through its attorneys, Colucci & Gallaher, P.C., hereby responds to plaintiff's Omnibus Discovery Demands as follows:

STATEMENTS

Any statements of the plaintiff in the possession of the Town Police are included in the response to plaintiff's request for documents and discovery.

WITNESSES

In addition to the plaintiff in this action, the Town is aware of the following potential witnesses:

Officer Nuchereno Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223 FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 123-CV-00419-WMS-MJR Document 1-15 Filed 05/11/23 Page 153 of 271 NYSCEF: 04/20/2022

Officer Shell Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223

Officer Walsh Steines Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223

Officer Klyczek Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223

Officer Partyka Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223

Officer Brian Ienco Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223

Officer Brian Valint Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223

Officer William Laugeman Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223

Officer Heft Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223

Detective Mark Scranton Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223 FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 123-CV-00419-WMS-MJR Document 1-15 Filed 05/11/23 Page 154 of 271 RECEIVED NYSCEF: 04/20/2022

Detective Mark Muscoreil Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223

Officer Jason Arlington Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223

Officer Thomas Moore Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223

Captain William Krier
Town of Tonawanda Police Department
1835 Sheridan Drive
Buffalo, New York 14223

Assistant Chief Joseph Fennell Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223

Chief James P. Stauffiger Town of Tonawanda Police Department 1835 Sheridan Drive Buffalo, New York 14223

Detective Folts
Buffalo Police Department
Address unknown

Detective Zanghi Address unknown

Detective Mulla Address unknown

Detective Falsone Address unknown Debra Kruder Speedway Store Manager 535 Kenmore Avenue Buffalo, New York 14223

Elizabeth Marvel Speedway District Manager Address Unknown

Peter Smith Speedway District Manager 535 Kenmore Avenue Buffalo, New York 14223

Kim Cavalieri 264 Hartwell Road Buffalo, New York 14216

Hillarie Henry Assistant District Attorney

PHOTOGRAPHS/FILMS

Any photographs or films of the plaintiff in the possession of the Town Police are included in the response to plaintiff's request for documents and discovery.

REPORTS

Any written reports concerning the incident which is the subject of this litigation is included in the response to plaintiff's request for documents and discovery.

EXPERT WITNESSES

Defendants have not yet retained the services of an expert to testify at the trial of this action but will supplement this response in accordance with the New York State Civil Practice Law and Rules and any applicable order of the Court. Defendants may also rely upon Town employees to provide expert opinions in their respective fields.

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 123-CV-00419-WMS-MJR Document 1-15 Filed 05/11/23 Page 156 of 271 NYSCEF: 04/20/2022

MEDICAL RECORDS

Copies of any of plaintiff's medical records obtained will be disclosed and supplemented pursuant to Article 3100 of the New York State Civil Practice Law and Rules.

INSURANCE

Defendant Town of Tonawanda is self-insured up to one million dollars for this claim.

ADDITIONAL CLAIMS

Defendant Town of Tonawanda objects to this demand as overbroad, unduly burdensome and not calculated to lead to discoverable evidence. The Town objects to this demand as it calls for a legal analysis or conclusion and is outside the proper scope of a bill of particulars. Subject to, and without waiver of the foregoing, see response to insurance information above.

DATED:

November 2, 2021 Buffalo, New York COLUCCIA GALLAHER, P.C.

Paul G. Toyce
Marc Smith
2000 Liberty Building
424 Main Street
Buffalo, New York 14202
(716) 853-4080
pjoyce@colucci-gallaher.com
Attorneys for Defendant Town of
Tonawanda

TO: JOHN FEROLETO, ESQ. FEROLETO LAW

Attorneys for Plaintiff
438 Main Street, Suite 910
Buffalo, New York 14202
Telephone: (716) 854-0700

CC: BRITTANY L. HANNAH, ESQ. SUGARMAN LAW FIRM, LLP Attorneys for Speedway LLC 211 West Jefferson Street, Suite 20 Syracuse, New York 13202 Telephone: (315) 474-2943



FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2023 NYSCEF DOC. NO. 808523/2023 Page 158 of 271 NYSCEF DOC. NO. 808523/2023 NYSCEF: 04/20/2023

SUPREME COURT	OF	THE	STATE	OF	NEW	YORK	_
COUNTY OF ERIE							

ERIC C. MARTIN,

Plaintiff,

VERIFIED BILL OF PARTICULARS

vs. Index No.: 808523/2021

TOWN OF TONAWANDA POLICE DEPARTMENT o/b/o THE TOWN OF TONAWANDA, SPEEDWAY LLC, MARATHON PETROLEUM CORPORATION, and JOHN DOE #1, 2, 3, 4, 5, 6, 7, 8,

Defendants.	

Defendant the TOWN OF TONAWANDA, by and through its attorneys, Colucci & Gallaher, P.C., hereby responds to plaintiff's Demand for a Verified Bill of Particulars as follows:

- 1. The Town objects to this demand as it calls for a legal analysis or conclusion and is outside the proper scope of a bill of particulars. Subject to, and without wavier of the foregoing, the Town maintains that the Complaint fails to state a proper cause of action, and intends to supplement and/or amend this response upon completion of discovery.
- 2. The Town objects to this demand as it is outside the proper scope of a bill of particulars. Subject to, and without waiver of the foregoing, the Town acted upon the criminal reporting of individuals, including a sworn statement, of individuals who are not under the Town's control. Plaintiff is directed to his own allegations against co-defendants in this action. In addition, upon information and belief, the conduct of the Plaintiff led in part to his arrest and detainment.

- 3. The Town objects to this demand as it is premature and outside the proper scope of a bill of particulars. Subject to, and without waiver of the foregoing, the Plaintiff acted in an aggressive manner, refused to answer questions asked of him by Town of Tonawanda Police officers, refused to cooperate with an ongoing police investigation and resisted arrest. Upon information and belief, if the Plaintiff suffered any compensable injuries or damage, such are in whole or in part the result of his own actions and culpable conduct.
- 4. The Town objects to this demand as it is premature and outside the proper scope of a bill of particulars. Subject to, and without waiver of the foregoing, The Town maintains that Plaintiff failed to exhaust his administrative remedies, and intends to supplement this response with material and information gained during the course of discovery.
- 5. The Town objects to this demand as it is premature and outside the proper scope of a bill of particulars. Subject to, and without waiver of the foregoing, the complaint names the Town of Tonawanda Police Department as a defendant; the Police Department is not an entity that can be sued in its own right, as it is an administrative arm of a municipal corporation. The police department does not exist separate and apart from the municipality and does not have its own legal identity.
- 6. The Town objects to this demand as it calls for a legal analysis or conclusion and is outside the proper scope of a bill of particulars. Subject to, and without waiver of the foregoing, The Town maintains that this action has been improperly filed in excluding persons who should be parties to the action, including those individuals the Plaintiff

acknowledges should be named as defendants but has not named yet, and intends to supplement this response with material and information gained during the court of discovery.

7. The Town objects to this demand as it calls for a legal analysis or conclusion

and is outside the proper scope of a bill of particulars. Subject to, and without waiver of the

foregoing, the Town of Tonawanda Police, through their agents and/or employees are

responsible for responding to and investigating claims of criminal activity made by

individuals and entities within the Town. The Town of Tonawanda Police and their agents

and employees were acting within their judicial duties to investigate the criminal claims

made against Plaintiff at the time of his arrest and have qualified immunity against the

allegations made in the complaint.

8. The Town objects to this demand as it calls for a legal analysis or conclusion

and is outside the proper scope of a bill of particulars. Subject to, and without waiver of the

foregoing, The Town of Tonawanda's agents and employees were acting within their sworn

duties to investigate the criminal claims made against plaintiff at the time of his arrest,

including being provided with a sworn statement of the alleged crime. The Town reserves

the right to supplement and/or amend this response upon completion of discovery.

DATED:

November 2, 2021

Buffalo, New York

COLU**CCI & G**ALLAHER, P.C.

2000 Liberty Building

424 Main Street

Buffalo, New York 14202

(716) 853-4080

pjoyce@colucci-gallaher.com

Attorneys for Defendant Town of

Tonawanda Police Department o/b/o

The Town of Tonawanda

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. NO. 808523/2021 Page 161 of 271 RECEIVED NYSCEF: 04/20/2022

TO: JOHN FEROLETO, ESQ.
FEROLETO LAW
Attorneys for Plaintiff
438 Main Street, Suite 910
Buffalo, New York 14202
Telephone: (716) 854-0700

CC: BRITTANY L. HANNAH, ESQ.
SUGARMAN LAW FIRM, LLP
Attorneys for Speedway LLC
211 West Jefferson Street, Suite 20
Syracuse, New York 13202

Telephone: (315) 474-2943

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NOSCEPTION NOSCEPTION

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

James P. Stauffiger, being duly sworn, deposes and says that he is the Chief of Police for the Town of Tonawanda Police Department; that deponent has read the foregoing Bill of Particulars and knows the contents thereof and that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes them to be true.

James P. Staufnger

Sworn to before me this 2nd day of November, 2021.

May a. Analison
Notary Public

MARY A ANDERSON
Notary Public, State of New York
Registration #01AN6392546
Qualified in Erie County
My Commission Expires May 28, 20 2 3

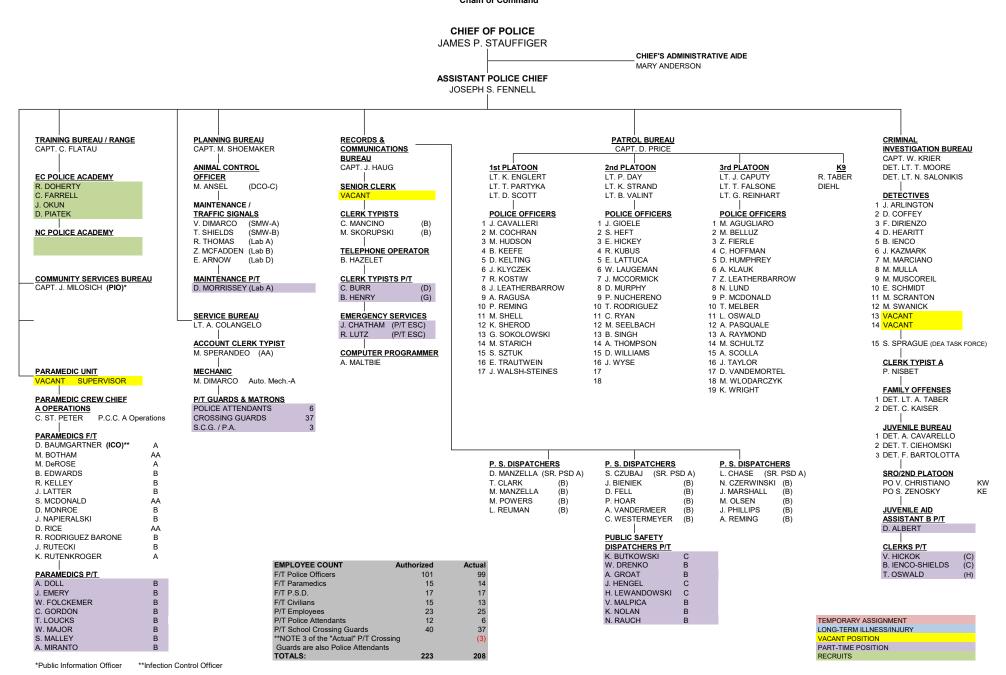
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INDEX NO. 808523/2021

CLERK 04/20/2022 03:41 PM Case 1:23-cv-00419-WMS-MJR Document 1-15 Filed 05/11/23 Page 164 of 271_{RECEIVED NYSCEF}: 04/20/2022 NYSCEF DOC. NO. 17

TOWN OF TONAWANDA POLICE DEPARTMENT Chain of Command



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Town of Tonawanda POLICE REPORT BURGLARY 3RD

Complaint **20-224888**

Report Date & Time **07/08/2020 02:26**

Address of Occurre 535 KENMORE Status Investigation F Officers: 142 - N 130 - S VICTIM - Last Name SPEEDWAY Address 535 KENMORE Height Weig	ence : AV Pending UCHERE HELL	NO	13:	District Follow U	Tract 03	Occ. Date & Time 07/08/2020 02		Day of Week Wednesday		Type of Premise Gas Station		
535 KENMORE Status Investigation F Officers: 142 - N 130 - S VICTIM - Last Name SPEEDWAY Address 535 KENMORE Height Weig	AV Pending UCHERE HELL	:NO	13:	Follow U	03							
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Last Name SPEEDWAY Address 535 KENMORE Height Weig	1			5 - WALSH : 3 - KLYCZE		Rep. Off.: 142 Supervisor: 414			Assigned.	Off.: 204 -	MUSCORE	ilL
SPEEDWAY Address 535 KENMORE Height Weig	1-6.0.6363, 95.004 FT 00.00 FE.00											
535 KENMORE Height Weig		First Nam	e	MI	Ext	Birth Date	Race	Sex	Age	Juvenile N	Arrested N	Repoi PR
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		Eyes	Build	Complexi		Scars/Marks/Tatt		(710)00	0-1101	CellPhone		
Victim DID receive	information	on Victim's	Rights an	nd Services pur	suant to New Y	ork State Law	No					
OTHER -	1											
Last Name KRUDER		First Nam DEBRA		MI J	Ext	Birth Date 12/26/1963	Race White	Sex F	Age 56	Juvenile N	Arrested N	Repor PR
Address 118 COLONIA					NAWANDA	State NY	14217	Home Ph (716) 39		Work Phon (716) 836		
Height Weight 5' 3" 120	t Hair BRO	Eyes	Build S	Complexi FAR	on Glasses Glasse	Scars/Marks/Tatt S	oos			CellPhone		
OTHER -	Ch. JOHN N. PLESTAND SHARES FO									7-2		
Last Name SMITH		First Nam PETER	е	MI A	Ext	Birth Date 11/24/1966	Race White	Sex M	Age 53	Juvenile N	Arrested N	Repor PR
Address 535 KENMORE					IFFALO	State NY	Zip 14223	Home Phi (315) 40		Work Phon (716) 836		
Height Weigh 5' 6"	BRO	Eyes BRO	Build M	Complexi	on Glasses	Scars/Marks/Tatt	oos			CellPhone		
OTHER -	3											
Last Name CAVALIERI		First Nam KIM	e 	МI А	Ext	Birth Date 01/14/1974	Race White	Sex F	Age 46	Juvenile N	Arrested N	Repor PR
Address 264 HARTWEL	L RD			City BU	, IFFALO	State NY	Zip 14216	Home Phe (716) 20		Work Phon	e	
Height Weight 5' 4" 140		Eyes	Build M	Complexion		Scars/Marks/Tatt		() 20		CellPhone		
SUSPECT	T - 1			7 H/F								
Last Name 224888A		First Nam UNKNO		МІ	Ext	Birth Date	Race Black	Sex M	Age	Juvenile N	Arrested N	Repor PR
Address		UNKNO	AAIA	City	,	State	Zip	Home Pho	one	Work Phon		- FK
Height Weigi	t Hair	Eyes	Build M	Complexion DBR	on Glasses	Scars/Marks/Tatte	oos			CellPhone		
SUSPECT	T - 2											
Last Name 224888B		First Nam UNKNO		М	Ext	Birth Date	Race Black	Sex M	Age	Juvenile N	Arrested N	Report PR
Address				City	,	State	Zip	Home Pho	one	Work Phon	е	
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COUNTY CLERK 04/20/2022 1:23-cv-00419-WMS-MJR Docume INDEX NO. 808523/2021 PMFILED: ERIE Filed 05/11/23 Page 166 of 271 Document 1-15



Town of Tonawanda POLICE REPORT **BURGLARY 3RD**

Complaint 20-224888

 $\frac{4/20}{2022}$

Report Date & Time

07/08/2020 02:26

\$1.00 SP Recordings--Audi IN STORE VIDEO 01 - None/Not Applic \$500.00 PR Merchandise Cigarettes 07 - Stolen/etc. Merchandise **Lotto Tickets** 07 - Stolen/etc. \$500.00 PR 1 07 - Stolen/etc. \$50.00 PR Merchandise Cigar wraps 1 Merchandise \$50.00 PR Lighters 07 - Stolen/etc.

Stolen Property Grand Total: \$1,100.00

NARRATIVE

POLICE REPORT Date Entered: 07/08/2020 03:09 Typist: PAUL NUCHERENO Officer: 142-NUCHERENO

On 07/08/20 at 0226 hours, I responded to 535 Kenmore Ave (Speedway) for a report of a burglar alarm activated. Upon arrival, I noticed shattered glass on both the inside and outside of one of the stores front entrance doors. Along with the shattered glass, various items including cigarettes and phone chargers appeared disturbed inside of the store. The cigarette shelves were also pulled out.

P/O Shell and P/O Walsh-Steines cleared the inside of the building rendering it safe for entry. I taped off the perimeter of the building, started a crime scene log (see crime scene log), and coordinated with Dispatch to contact a kevholder to respond.

APS Kubus and Lt. Englert arrived on scene and it was determined that a detective would be called in to process the scene for evidence. Detective Muscoreil responded to process the crime scene.

After viewing store video footage, it appears that two black males broke the glass on the front door of the store at 0224 hours and entered the premise. Suspect 1 was wearing black pants, a black tee-shirt, a black hat, black sneakers, and a black face-mask. Suspect 2 was wearing cargo shorts, a white/grey tee-shirt, a light blue baseball cap, and a white face-mask. Both suspects proceeded behind the counter and began to fill up a white trash can and black garbage bag with various items including cigarettes, lotto tickets, lighters, and cigar wraps. The two suspects can then be seen leaving the store at 0227 hours in an unknown direction.

At this time District Manager Peter Smith could not provide me with the exact value or amount of items taken. However, Smith did state that the value is greater than \$1,000. Smith will contact Detective Muscoreil when he and his staff are able to get a more accurate inventory. Smith burned and provided Detective Muscoreil with a copy of the camera footage.

BWC on scene #122, 130, 135, 138, 142, 145

-142

ate Entered:	07/08/2020 03:24	Typist: PAUL NU	ICHERENO	Officer:	142-NUCHER	RENO	
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Printed Date:

07/14/2021 01:03 PM

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Town of Tonawanda POLICE REPORT **BURGLARY 3RD**

Complaint

20-224888

Report Date & Time 07/08/2020 02:26

SUPPLEMENT # 2

Date Entered: 07/08/2020 04:13

Typist: MARK SHELL

Officer: 130-SHELL

On the above date and time I responded to 535 Kenmore Ave (Speedway) for an alarm with interior motion. Upon arrival, I observed the right front door to be be shattered, and it appeared entry to be made. Myself and Officer Walsh-Steines cleared the building with negative results. While clearing the building, I did observe multiple charging cords knocked off the shelves and on the ground. Behind the counter I observed multiple shelves of cigarettes pulled out, and multiple packs of cigarettes, of different brands, strewn about the floor.

-130-

SUPPLEMENT # 3 Date Entered: 07/08/2020 07:36

Typist: MARK MUSCOREIL

Officer: 204-MUSCOREIL

I was notified on 7/8/20 at 0330 hours to respond to the scene of a smash and grab burglary at the Speedway at 535 Kenmore Ave. Upon arrival I was briefed by LT Englert and APS Kubus. I photographed the scene, and then watched the security footage with the managers, who burned the footage onto a DVD. Pictures were entered into Veripic and the DVD was logged into CHARMS and submitted to the video drop box. While canvassing the area I located an exterior security camera across the street at Arthur's Cleaners. I spoke to staff over the phone and they are going to access the camera system and let me know if they caught any footage of the incident.

The suspects in this incident appear to match the description in two Buffalo smash and grabs from 7/6/20 and 7/7/20 (X REF BPD #'s 20-1880080 and 20-1890113) I left a message with BPD Det Folts to follow up with him on those cases. Smith called at 09:40 and after an inventory it appears \$3090.17 worth of merchandise was stolen.

Investigation to continue.

SUPPLEMENT # 4

Date Entered: 07/29/2020 10:57

Typist: MARK MUSCOREIL

Officer: 204-MUSCOREIL

On 7/9/20 Jen from Arthur's Laundry called and stated the video system was offline at the time of the incident, so there is no footage. Patrols were dispatched to the Speedway for a subject trying to cash in a stolen lotto ticket. (X REF #20-225084) Eric Martin would not speak with me regarding the incident, or how he obtained the ticket.

On 7/10/20 I spoke with Det. Folts from BPD "D" District who is working multiple cases involving the same suspects.

On 7/14/20 Det LT Moore informed me that the lotto ticket in Martin's possession had been incorrectly entered as stolen by Speedway. At this time Martin is no longer being considered as a suspect or having any involvement what-so-ever in this incident.

On 7/26/20 I spoke with Det. Folts who stated Kevin Spell (6/24/80) was arrested fleeing the scene of a smash and grab at 0400 hrs. Spell refused to speak with Detectives, and appears to be the smaller of the two suspects involved in these cases. I spoke with Det Zanghi who is also working multiple cases involving these two. She forwarded an email from Alison Stark at ECAC, which identifies the getaway vehicle and a possible second suspect. The gray Impala seen on multiple incidents is NY REG: FSR2091, and is registered to Steven McLaurin (12/26/59)

Investigation to Continue

SUPPLEMENT # 5 Date Entered: 11/10/2020 12:38

Typist: MARK MUSCOREIL

Officer: 204-MUSCOREIL

I spoke with ADA Mohun who is working the 20+ smash and grab burglaries involving Kevin Spell. Spell is being charged in 7 of the cases, this case is not one of them. This case will be filed at this time.

I/P

SUPPLEMENT # 6 Date Entered: 11/22/2020 14:46

Typist: MARK MUSCOREIL

Officer: 204-MUSCOREIL

I spoke with Det Mulla and Det Falsone regarding the Impala that has been tied to several of these cases. They are working with ADA Mohun to interview the R/O who lends the vehicle out regularly and will do so at a time that is beneficial to all involved cases. Should any evidence become available that can tie any suspects to this case it will be reopened at that time.

Printed Date:

07/14/2021 01:03 PM

ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 Case 1:23-cv-00419-WMS-MJR Document 1-15 Filed 05/11/23 Page 168 of 271 04/29/2022 FILED: Complaint **Town of Tonawanda** 20-224888 **POLICE REPORT** Report Date & Time **BURGLARY 3RD** 07/08/2020 02:26 -204 Officer: 142 - NUCHERENO Supervisor: 414 - PARTYKA Printed Date: 07/14/2021 01:03 PM Page: 4

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021

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NUSCEE DOC GASE 1:23-CV-00419-WMS-MJR DOCUMENT 1-15 Filed 05/11/23 RECEIVED NYSCEE: 04/20/2022

Town of Tonawanda 1835 Sheridan Dr. Tonawanda Town, NY. 14223

Remarks for Case: 20-224888 BURGLARY 3RD 11/10/2020

Officer: MUSCOREIL, MARK-204 Last Modified: 07/08/20 06:00

BURGLARY 3RD

535 KENMORE TONAWANDA TOWN

Called in for smash and grab

Photographed scene, watched in-store video

Pics entered into Veripic, video entered into CHARMS

Called Arthur's Laundry for their exterior camera footage, Jen will call me back if they have footage

Suspects match description from two BPD cases from 7/6 and 7/7. Left message for Det Folts to follow up

4 hrs

Officer: MUSCOREIL, MARK-204 Last Modified: 07/09/20 11:00

BURGLARY 3RD

535 KENMORE TONAWANDA TOWN

Jen from Arthur's called back, Nest camera system appears to have been off-line at the time of the incident. She will follow up with Nest to see if they can pull anything on their end but it appears those cameras will be of no use

1/4 hour

Officer: MUSCOREIL, MARK-204 Last Modified: 07/09/20 14:00

BURGLARY 3RD

535 KENMORE TONAWANDA TOWN

Patrol responded to Speedway for subject in possession of stolen lotto ticket from this incident

Eric Martin matched the description of the younger suspect and couldn't explain how he obtained the ticket

Fought with us as we took him into custody on CPSP charge, and lawyered up at HQ.

Father, Eric D Martin showed up on scene and had a similar look to the older suspect in the video. I couldn't interview him, he was causing a scene at the front desk, and wouldn't talk after his son was released

2.5 hours

Officer: MUSCOREIL, MARK-204 Last Modified: 07/10/20 15:00

BURGLARY 3RD

535 KENMORE TONAWANDA TOWN

Spoke to Det Folts from BPD, exchanged information on cases. No new suspects at this time.

1/2 hour

Page 1

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RECEIVED NYSCEF: 04/20/2022

Officer: MUSCOREIL, MARK-204

Last Modified: 07/26/20 18:00

BURGLARY 3RD

535 KENMORE TONAWANDA TOWN

I spoke to Det. Folts from BPD today, he's working at least 5 burglaries involving our suspects. Kevin Spell (6/24/1980) was arrested fleeing the scene of a smash and grab in Buffalo at 0400 this morning (20-2080221) and Folts will be charging him with at least 3 more. Spell appears to be the smaller of the two suspects who's face is somewhat visible in the video from Mike's case.

I found a subject that Spell was arrested with in 2007 in Cheektowaga that has a similar look/build to the other suspect. Leon W. Wells 10/26/67, has a lengthy history including Burg, CPSP, and Larcenies. Folts sent an email to Alison from ECAC to try and link Spell to the Impala from Mike's video, and I gave him Wells information to give to her also. He'll call me with any updates.

Det Zanghi from D District called me, they're up to almost 20 burglaries they can tie Spell to in their district so far. She forwarded this email from Alison at ECAC which identifies the vehicle from Mike's video, it was also spotted in some of their burglaries as the getaway vehicle. NY Reg FSR2091 registered to Steven McLaurin, LKA is 12 Richlawn Ave. Leon Wells LKA is 70 Richlawn Ave.

1.5 hrs.

Officer: MUSCOREIL, MARK-204

Last Modified: 11/10/20 12:00

BURGLARY 3RD

535 KENMORE TONAWANDA TOWN

I spoke with ADA Mohun who is prosecuting all the Kevin Spell smash and grabs. Spell has been offered a plea on 7 of the cases they can charge him on, this case is not one of them.

I/P

1/2 hr

Total Time: 9 1/4 hrs

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Town of Tonawanda POLICE REPORT CRIM POSS STOLEN PROPERTY 5TH

Complaint 20-225084

/20/2022

Report Date & Time 07/09/2020 13:31

INCIDENT Address of Occurrence District Occ. Date & Time Day of Week Type of Premise Tract 535 KENMORE AV 03 07/09/2020 00:00 Thursday Variety/Convenience Store Status Follow Up By Supl TT Mess# TT Entry Date TT Cancel# **Cleared By Arrest** Records N Officers: 087 - IENCO 119 - LAUGEMAN Rep. Off.: 087 - IENCO Assigned. Off.: **477 - VALINT** 104 - HEFT Supervisor: 503 - KRIER VICTIM - 1 Last Name First Name Arrested Ext Birth Date Race Sex Juvenile Report SPEEDWAY PR N Address State Home Phone Work Phone Zip 535 KENMORE AV TÓNAWANDA 14225 NY (716) 836-7167 Height Weight Hair Build Complexion Glasses Scars/Marks/Tattoos Eves CellPhone Victim DID receive information on Victim's Rights and Services pursuant to New York State Law Yes OFFENDER - 1 First Name Birth Date Ext Race Sex Age Juvenile Arrested Report SEALED Black **30** PR M N REPORTING PERSON - 1 Last Name First Name MI Ext Birth Date Race Sex Juvenile Arrested Report 56 KRUDER Ĵ PR **DEBRA** 12/26/1963 White Address Work Phone City State Home Phone Zip TÓNAWANDA 118 COLONIAL AV NY 14217 (716) 398-9048 C (716) 836-7167 Height Hair Build Complexion Glasses Scars/Marks/Tattoos Weight Eves CellPhone 4' 11" **BRO** BLU M LGT Unknown **OFFENSES** Law Section CA CL DG Description Report PL 165.40 5 **CRIM POSSESSION STOLN PROP 5TH** PR M Α 205.30 **RESISTING ARREST** PR PL M Α 0 PROPERTY Description Qty Type Status Make Color Model Total Value Report Non-Negotiable I LOTTO TICKET 06 - Seized \$0.00 SP Recordings--Audi VIDEOS 01 - None/Not Applic \$2.00 SP NARRATIVE POLICE REPORT Date Entered: 07/09/2020 15:30 Typist: BRIAN IENCO Officer: 087-IENCO

I responded to Speedway located at 535 Kenmore Av. for the report of a male customer trying to cash a stolen lottery ticket. Upon arrival, Detectives Muscoreil and Scranton were inside the store speaking to the male party.

The male party was identified as Eric C. Martin. The situation was explained to Martin and he was asked to return to the station to give a statement and be processed. Martin refused to cooperate and at this point was informed he was under arrest. Martin was asked to place his hands behind his back, at which point he tensed up, started flailing his arms, yelling get off me, and refused to place his hands behind his back. I grabbed his right arm/shoulder and assisted in taking Martin to the ground. Once on the ground Martin was handcuffed, he was then immediately sat up, and assisted back to his feet. Use of force (TTP47) completed. (see supplements) Martin was then searched for weapons and placed in the rear of my patrol vehicle #6 by myself and Lt. Valint without incident. Martin was then transported to the station without incident. I was followed by patrol 52, Ofc. Heft. Once at the station, Martin was brought to the men's cell block area. Martin was searched, his belongings inventoried and placed in locker #8 (seal # 62066770). Martin was placed in cell #8 upon card #20-0117 briefly until the west interview room was available/ready. Suicide screening completed.

Once the west interview room was ready, I brought Martin from the cell block area and turned him over to Det. Muscoreil and Lt. Moore.

Informations were completed/signed for the above charges. All paperwork was completed and forwarded accordingly.

BWC: 087, 477

Printed Date: 07/14/2021 01:02 PM

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04/20/2022



Town of Tonawanda POLICE REPORT CRIM POSS STOLEN PROPERTY 5TH

Complaint 20-225084

Report Date & Time

07/09/2020 13:31

087

SUPPLEMENT # 1 Date Entered: 07/09/2020 15:30 Typist: WILLIAM LAUGEMAN Officer: 119-LAUGEMAN

On 7/9/20 I responded to 535 Kenmore Ave, Speedway, to assist patrols with the investigation of stolen property. The clerk, Debra Kruder, provided a supporting deposition which I turned over to Det. Scranton. \$50 cash was turned over by Kruder that belonged to subject Eric Martin. The money was returned to him at 1835 Sheridan Dr.

BWC 119

119

SUPPLEMENT # 2 Date Entered: 07/09/2020 15:32 Typist: BRIAN VALINT Officer: 477-VALINT

I attempted to take Eric Martin into custody for the purpose of processing by the C.I.B. on the charge of Criminal Possession of Stolen Property 5th. Martin was in possession of a lottery ticket that had been stolen at a recent burglary at 535 Kenmore Ave., Speedway. I reached for Martin's arm and he began to back away from me. At this time Det. Muscoreil approached Martin from behind and attempted to place Martin's hands behind his back. Martin began to tense his arms and refused to put his hands behind his back. I grabbed Martin's left arm and I placed a handcuff on his left wrist. Martin continued to resist by clenching his fists and by not putting his hands behind his back. I was able to connect my cuffs to Det. Muscoreil's cuffs as Martin was being lowered to the ground. Martin was placed on the ground at which time he stopped resisting arrest.

SUPPLEMENT #3 Date Entered: 07/09/2020 15:36 Typist: MARK SCRANTON Officer: 260-SCRANTON

I responded to assist with an investigation into a possession of stolen property and burglary at 535 Kenmore Ave. While on scene, the suspect, Eric Martin, was advised he was under arrest. Martin stated he was not going to jail, and not going into a police car. He was told again he was under arrest, and began to back up. Martin pulled his left arm away from Lt. Valint, and his momentum moved him in my direction. I grabbed Martin's left wrist, and he began to struggle, pulling his arm in front of him and bending forward. Martin was repeatedly told to stop resisting, and that he was under arrest. As he was leaning forward, I struck Martin twice with my knee in the mid thigh, attempting to hit his common paroneal nerve. After I struck him in the thigh, his left arm, which was already in a handcuff, loosened. I was then able to pull his arm behind his back. During the struggle, Martin was taken to the ground, and I was then able to successfully connect the left handcuff with another cuff that was on his right wrist. After he was cuffed, I asked Martin if he was ok, but he didn't respond. A TTP-47 use of force report completed. I then completed two charges for Ofc. lenco, which was forwarded to records along with the appearance ticket.

While at the store, I recovered the stolen lottery ticket a \$10,000,000 colossal cash lottery ticket. The ticket was entered into CHARMS as evidence, and placed in locker 10.

260

SUPPLEMENT # 4 Date Entered: 07/09/2020 15:40 Typist: MARK MUSCOREIL Officer: 204-MUSCOREIL

Det Scranton and I responded to the radio call of a subject inside the Speedway at 535 Kenmore Ave. in possession of a stolen lottery ticket from a burglary I'm investigating (20-224888) from 7/8/20. Upon arrival I spoke with LT Valint and Store Manager Kruder who confirmed that the ticket was from the batch stolen yesterday. I then tried speaking with the offender, Eric Martin, who claimed he bought the ticket at the store yesterday but wouldn't say what time, when I told him that it was impossible for him to buy that ticket he became argumentative. I asked him to return to TTPD HQ to speak with me about the lotto ticket and he refused. I advised him that he was under arrest and at that time LT Valint attempted to take him into custody. Martin refused to put his hands behind his back, and was advised multiple times he was under arrest. I took control of his right arm and he continued to pull his arms forward refusing to comply with our commands. I was able to cuff his right arm, and get it behind his back, at which time LT Valint and I were able to take Martin into custody. Martin was returned to TTPD HQ West Interview Room by Patrol, where I read him his Miranda Rights and Martin immediately lawyered up. Det LT Moore and I then processed Martin and released him on an Appearance Ticket. Use of Force completed.

Printed Date: 07/14/2021 01:02 PM

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Town of Tonawanda POLICE REPORT CRIM POSS STOLEN PROPERTY 5TH

Complaint **20-225084**

Report Date & Time **07/09/2020 13:31**

SUPPLEMENT # 5 Date Entered: 07/10/2020 12:55

Typist: JASON ARLINGTON

Officer: 218-ARLINGTON

I responded to 535 Kenmore Ave, Speedway, to pick up videos stemming from this incident. I brought the video back to 1835, logged them into CHARMS, and turned them over to Detective Coffey. Complaint number of service was 20-225231.

800

SUPPLEMENT #6

Date Entered: 07/22/2020 10:28

Typist: THOMAS MOORE

Officer: 411-MOORE

On 07/14/2020, at the bequest of Speedway District Manager Elizabeth Marvel, I scanned and emailed images of both the front and back of the scratch off lottery ticket Mr. Eric C. Martin attempted to cash on 07/09/2020. Ms. Marvel informed me she was going to contact NYS Lottery and conduct a day by day analysis of register sales to determine exactly which \$30 - Colossal Cash scratch off tickets were stolen in the burglary, on 07/08/2020.

Later in the day, Ms. Marvel reached out to me and informed me that Mr. Eric C. Marvel actually bought the ticket in question at 535 Kenmore Ave., on 07/07/2020. She stated she was able to confirm Mr. Eric C. Martin purchased the ticket at 14:18 hrs.. Ms. Marvel stated she would provide me the transaction record and store video.

On 07/16/2020, I did obtain the video and transaction record confirming Mr. Eric C. Martin's lawful purchase of the scratch off lottery ticket in question.

I called Assistant District Attorney Hilarie Henry regarding the process required to have both charges against Mr. Eric C. Martin fully dismissed. Ms. Henry informed me she would initiate the process with the Town of Tonawanda Court and full dismissal should not be an issue.

I called Mr. Eric C. Martin to inform him of the plan to have both charges fully dismissed. Mr. Eric C. Martin did not wish to speak to me but would rather I speak to his father Mr. Eric D. Martin. I fully explained the circumstances to Eric D. Martin and stated I would reach out to him in the near future to update him on the progress with the court.

#411

Officer: 087 - IENCO

Supervisor: 503 - KRIER

Printed Date:

07/14/2021 01:02 PM

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Town of Tonawanda **Complaint Information**



Complaint# 20-225084 Date Received: 07/09/2020 Source: PHONE

Dispatch Code:

1500

Description: FRAUD

Call Type: POLICE

Final Dispatch Code:1500

Description: FRAUD

Street:

535 KENMORE AV

Tract:

Street Code:

Cross Street:

Municipality: TONAWANDA TOWN

Business:

SPEEDWAY

(AT KLAUDER)

Call Back:

Times:

Officers:

Received: 13:32:27

Dispatched:13:33:53 Arrived:13:39:38 Completed:15:53:06 477-VALINT

119-LAUGEMAN

104-HEFT

Received By:

087-IENCO 829-BIENIEK

Dispatcher: 851-MANZELLA

Report (follow up): YES

Notified:

Action Codes

1. Police Report Filed

2.

3.

Associated Persons: CMP - KRUDER, DEBRA J. DOB: 12/26/1963

118 COLONIAL AV TONAWANDA Phone: (716) 398-9048 C

07/09/20 13:32:40 829

B/M IN 20'S WEARING A WHITE TEE SHIRT

07/09/20 13:33:13 829

IN THE STORE TRYING TO CASH IN A LOTTO TICKET BELIEVED TO HAVE

BEEN STOLEN FROM PREVIOUS ROBBERY

07/09/20 13:33:48 829 LARCENY HAPPENED WED AM AROUND 226 HRS

07/09/20 13:34:07 829 07/09/20 13:36:26 829 MALE STILL IN THE STORE, TICKET IS WORTH \$50

COMPL IS IN THE BACK ROOM CALLING, ANOTHER MANAGER IS AT THE **COUNTER STALLING THE PARTY**

07/09/20 13:37:51 851

56 AND 58 19

07/09/20 13:44:30 851

ONE IN CUSTODY

Printed Date: 10/14/2020 3:09:27 PM

Page # 1

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM

NYSCEF DOC. NO. 17:23-CV-00419-WMS-MJR DOCUMENT 15- HER USITIVED NYSCEF: 04/20/2022

CONSTITUTIONAL RIGHTS (MIRANDA)

I, <u>FRIC C. MARTIN</u>, have been told by Detective/Officer <u>Myscare</u> of the Town of Tonawanda Police Department, that I have the following rights, and that before I am asked any questions I must understand these rights:

- 1. You have the right to remain silent and refuse to answer any questions.
- 2. Anything you do say can and will be used against you in a court of law.
- 3. As we discuss this matter, you have the right to stop answering my questions at any time that you desire.
- 4. You have the right to a lawyer before speaking to me, to remain silent until you can talk to a lawyer, and to have that lawyer present with you when you are being questioned.
- 5. If you do desire a lawyer, but you cannot afford one, one will be provided to you before questioning without cost to you.
- 6. Do you understand each of these rights I have explained to you?
- 7. Now that I have advised you of your rights, are you willing to answer my questions?

These rights have been explained to me and I fully understand these rights.

Signature X REFUSEN

Investigator Military	Date 7/9/24
Witness	Time
TTP 75 (3/19)	



Town of Tonawanda

		Prop	perty Re	ceipt		
POLICE					Complaint: 20-22	25084
Print Date: 7/29/2020					Receipt No. 12533	
Owner		Description	Make	Model	Officer	
MARTIN ERIC C	90636	LOTTO TICKET			MARK SCRAN	TON
Property Received B	y: Owner <i>x 🧷</i>	Tic Mai	dist	Officer	Mann #41	1p
	Date/Time			Date/Time 7/2	9/20 10:06/	m
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JUSTICE COURT TOWN OF TONAWANDA, NEW YORK

State of New York

County of Erie

Town of Tonawanda

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

Eric C. Martin 191 Briton St.

Buffalo, NY 14216

Complaint Number: 20-225084

Date of Birth: 01/14/1990

Phone Number: (716) 837-0173

INFORMATION/COMPLAINT

I, Ofc. B. Ienco, the complainant herein, accuses the above named defendant with having on or about, 07/09/20 at, 535 Kenmore Ave, in the Town of Tonawanda, County of Erie, New York at about, 1:32 PM with having committed the offense of Criminal Possession of Stolen Property in the 5th Degree in violation of section 165.40 of the Penal Law in the State of New York, the same being a Class "A" Misdemeanor.

FACTS: A person is guilty of criminal possession of stolen property in the fifth degree when he knowingly possesses stolen property, with intent to benefit himself or a person other than an owner thereof or to impede the recovery by an owner thereof, to wit: At the aforementioned date, time and place, said defendant did knowingly possess a stolen "\$10,000,000 Colossal Cash" lottery ticket with the intent to benefit himself by claiming the \$50 prize. All contrary to the provisions of the statute in such case made and provided.

THE AFORESAID ALLEGATIONS OF FACT ARE MADE BY THE COMPLAINANT HEREIN ON DIRECT KNOWLEDGE AND UPON INFORMATION AND BELIEF, WITH THE SOURCE BEING: Supporting deposition of Debra Kruder, which has been attached to and made part of this information.

Affirmed under penalty of perjury, Thursday, July 09, 2020

Ofc. B. Ienco, Complainant

NOTE: FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS "A" MISDEMEANOR **PURSUANT TO SECTION 210.45 OF THE REVISED** PENAL LAW OF NEW YORK STATE.

1835 Sheridan Dr.

ADDRESS

Kenmore, NY 14223

CITY, TOWN or VILLAGE

(716) 876-5300

PHONE NUMBER

Prepared By: Scranton 260

PM Filed 05/11/23 INDEX NO. 808523/2021 **CLERK**

JUSTICE COURT

TOWN OF TONAWANDA, NEW YORK

State of New York

County of Erie

Town of Tonawanda

THE PEOPLE OF THE STATE OF NEW YORK

-vs-

Eric C. Martin 191 Briton St. Buffalo, NY 14216 Complaint Number: 20-225084

Date of Birth: 01/14/1990

Phone Number: (716) 837-0173

INFORMATION/COMPLAINT

I, Ofc. B. Ienco, the complainant herein, accuses the above named defendant with having on or about, 07/09/2020 at, 535 Kenmore Ave, in the Town of Tonawanda, County of Erie, New York at about, 1:32 PM with having committed the offense of Resisting Arrest in violation of section 205.30 of the Penal Law in the State of New York, the same being a Class "A" Misdemeanor.

FACTS: A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person, to wit: At the aforementioned date, time and place, said defendant did attempt to prevent Ofc. B. Ienco, a uniformed Town of Tonawanda Police Officer, from effecting an authorized arrest of himself or another person, after being advised several times he was under arrest for possession of stolen property, and to put his hands behind his back, did pull away from officers and resist being handcuffed, and stating "I'm not getting arrested. All contrary to the provisions of the statute in such case made and provided.

THE AFORESAID ALLEGATIONS OF FACT ARE MADE BY THE COMPLAINANT HEREIN ON DIRECT KNOWLEDGE

Affirmed under penalty of perjugy, Thursday, July 09, 2020

Ofc. B. Ienco, Complainant

NOTE: FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS "A" MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE REVISED PENAL LAW OF NEW YORK STATE.

1835 Sheridan Dr.

Kenmore, NY 14223

CITY, TOWN or VILLAGE

(716) 876-5300

PHONE NUMBER

Prepared By: Scranton 260

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RECEIVED NYSCEE: 04/20/2022

Moore, Thomas

From: SSA-Clny, 408 (Speedway) <ssaclny408@speedway.com>

Sent: Thursday, July 16, 2020 2:06 PM

To: Moore, Thomas

Subject: statement- Eric Martin

On 7/14 I reached out to NY lottery to find out when the book was activated, and then I traced the inventory from each day through the day of the break in. On 7/7 we had 15 tickets in our inventory and 3 tickets were sold during the day on 7/7. These tickets were sold to the man that was detained at our location.



Beth Marvel District Manager Speedway LLC | Colony Division | Buffalo, NY C: 484-919-0418 | Fax: 419-421-5723

E: ssaclny408@speedway,com

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Department of Police Town of Tonawanda, New York

State of New York County of Erie Town of Tonawanda

Complaint # 20 -2250 14

SUPPORTING DEPOSITION

being duly affirmed, depose and say that I am <u>See</u> years of age. Further I say
QN 7 (9/28) A 14% (5 5 6 5 5 6 5 6 5 6 5 6 6 6 6 6 6 6 6
ON 7/9/20 A MALS TRIBO TO CASH A BRO SCRATCH OFF THAT
TOTA STOLES BARTH A Black WALE ISTALLE A
(AME; SO THE SCHOOLING, 535 KONNERS AND MY CO-WOWER SABRE
(Eight Think Carry SABRE
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IN THE SCAFFICH OF SCAME UP 13174 AS FROM UP TO
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File

Notice (Penal Law, Section 210.45)

It is a crime, punishable as a class "A" Misdemeanor under the laws of the State of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to

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Tonawanda Town Court 1835 Sheridan Drive Buffalo, New York 14223

Daniel T. Cavarello Town Justice

165.40

205.30

PL

165.40

205.30

PL

(716) 876-5536

0.00

0.00

0.00

0.00

CERTIFICATE OF DISPOSITION

	STATE OF NEW YORK ERIE COUNTY				TONAWANDA TOWN COURT CRIMINAL PART			
PEOPL	LE OF THE ST	ATE OF NEW YORK						
	VS.							
ERIC	C. MARTIN;	Defendant		•				
CASE	NO: 2007023	1						
D	ate of Birtl	n: 01/14/1990	JC!	501 no: 693	94689K			
Da	te of Arrest	t: 07/09/2020	NYS	SID no: 106	22113M			
Disp	osition Date	e: 07/22/2020						
Section Charged		cket No & escription	Disposition	Fine	Civil-Fee	Surchg		
PL	PL	•						

Dismissed

Dismissed

Upon a proper request for an official statement of disposition, I certify that the above named defendant having appeared before this court was charged as shown above. Each of the charges was disposed of as indicated.

Dated: The 23rd day of July 2020

CPSP 5

RESIST ARREST

Daniel T. Cavarello

0.00

0.00

NOTE: A copy of the request will be filed with this certificate in the case records.

CAUTION: This information must not be divulged if the case is sealed or where the defendant has been adjudicated a youthful offender.

Copies:	Court,	Defendant,	Agency,	DA
T				

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DEPARTMENT OF POLICE TOWN OF TONAWANDA, NEW YORK

INTRA-DEPARTMENTAL COMMUNICATION

TO: Captain Fennell DATE: 7/15/2020

SUBJECT: Arrest of Eric C. Martin Complaint # 20-225084

Upon reviewing all pertinent paperwork and video, as well as speaking to several persons, including the store manager Debra Gruder, Speedway District Manager Beth Marvel, and Eric C.Martin's father, Eric D. Martin., I am preparing the following summary of my findings:

On 07/09/2020, at 13:32:27 hrs., a call was received from Debra Kruder, the store manager of Speedway Express at 535 Kenmore Ave., regarding an individual trying to cash in a possible stolen lottery ticket.

At 13:36:07 hrs., Patrol Lieutenant Brian Valint arrived on scene. Lt. Valint entered the Speedway and proceeded to verbally engage the customer in question, Eric C. Martin. Mr. Martin was at the front counter of the store. Lt. Valint informed Mr. Martin of the complaint. Mr. Martin stated to Lt. Valint that he had purchased the winning ticket in question, on a previous day. Mr. Martin also mentioned it should be able to be confirmed on store video. At this point, the store manager, Debra Kruder, interrupted and stated to Mr. Martin, "What time?" and "Morning? Noon? Evening?". Mr. Martin said he did not know what time he had purchased the ticket. Lt. Valint then walked over to Ms. Kruder. Ms. Kruder had Mr. Martin's winning scratch off ticket in her hand. Lt. Valint followed Ms. Kruder to a scratch off lottery ticket vending machine at the front of the store. Detectives 56 and 58 (Detective Muscoreil and Detective Scranton) called 19 on the scene. Ms. Kruder opened the vending machine and stated to Lt. Valint, "....need this. I'm going to verify.". She was referring to the scratch off ticket in her hand. At 13:38:04 hrs., Detectives Muscoreil and Scranton entered the store.

Ultimately, Lt. Valint informed Detective Scranton (13:39:30 hrs.) that "it's stolen" and it's "possession of stolen property at the least.". At 13:39:46 hrs., Debra Kruder stated to Detective Muscoreil, "I don't know if he did it. He has a stolen ticket.".

At 13:40:48 hrs., Detectives Muscoreil and Scranton verbally engaged Mr. Martin at the front counter of the store. Mr. Martin informed the two detectives that he bought the ticket. Detective Muscoreil told Mr. Martin the ticket was stolen. At 13:41:35 hrs., Mr. Martin stated, "I didn't steal it. I paid for it.". Detective Muscoreil then informed Mr. Martin that it would be best to return to 1835 Sheridan Dr. to discuss the matter. Mr. Martin balked at the suggestion. When Detective Muscoreil reiterated his previous statement, Martin said, "like I meet you there?". Detective Muscoreil then told Martin, "We're going to transport you there.". Martin said, "I'm not going in the cop car.". Muscoreil stated, "Well you're going to regardless because you're in possession of stolen property. Ok? So no matter what you're coming back.". Martin countered with, "I'm not riding in the cop car. I definitely didn't do...". Muscoreil answered, "You definitely are because you're under arrest right now.". Mr. Martin then shook his head and said, "Well arrest (unintelligible)". Muscoreil stated, "You definitely are because you're under arrest.".

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DEPARTMENT OF POLICE TOWN OF TONAWANDA, NEW YORK

INTRA-DEPARTMENTAL COMMUNICATION

At 13:42:36 hrs., Lt. Valint approached Eric Martin, placed his left hand on Mr. Martin's right upper arm and told Martin, "...behind your back. Put your hands behind your back." Martin replied, "I'm not going.". Lt. Valint stated, "Come on. Sir.". At this point, Mr. Martin pulled away, turned 90 degrees (now facing Lt. Valint) and exclaimed, "I'm not going!". Lt. Valint informed Mr. Martin that he was in possession of stolen property and he had a choice how things would go at this point. Detective Muscoreil then stepped behind Mr. Martin and took hold of his right wrist. Detective Scranton and Lt. Valint took hold of his left lower arm and wrist in an attempt to get a handcuff on him. Mr. Martin began resisiting the attempt to be handcuffed by tensing up his arms. Lt. Valint stated, "Sir. You're going to catch more charges. You don't want to catch more charges.". Martin continued to actively resist being handcuffed by continuing to tense both arms and twisting his body. After Lt. Valint was able to get a cuff on his left wrist, Mr. Martin bent over, twisted and pulled his hands to the front of his body. Lt. Valint informed Mr. Martin he was making a big mistake and to put his hands behind his back. As Mr. Martin continued to struggle to not be handcuffed, Detectives Scranton, Muscoreil, Lt. Valint and P.O. B. Ienco grappled with Mr. Martin, in an attempt to get the second handcuff on his right wrist. At 13:43:33 hrs. (57 seconds after Lt. Valint intitially attempted to handcuff Mr. Martin), Mr. Martin was taken relatively slowly to the floor by the four officers. Approximately 12 seconds later, Mr. Martin's right wrist was handcuffed. Shortly after his right wrist was cuffed, Mr. Martin was assisted up by Detective Scranton and P.O. Ienco.

After being assisted up off the floor, Mr. Martin was escorted to the rear seat of patrol car #6 by Lt. Valint and P.O. B. Ienco.

Mr. Martin was returned to 1835 Sheridan Dr.. He was processed for Criminal Possession of Stolen Property 5th and Resisting Arrest. He was subsequently released on an appearance ticket.

At 1108 hrs., on 07/14/2020, I spoke to Speedway District Manager Elizabeth Marvel regarding the scratch off lottery ticket Mr. Martin possessed on 07/09/2020. Ms. Marvel asked for some of the identifying information from the ticket. I retrieved said ticket from evidence, scanned the front and back of the ticket, returned the ticket to evidence, and e-mailed the front and back images to Ms. Marvel. Ms. Marvel stated she was going to attempt to verify whether the ticket was stolen in the burglary on 07/08/2020.

At 1612 hrs., on 07/14/2020, I again spoke to Ms. Marvel. Ms. Marvel stated she located both the register transaction and video of Mr. Martin purchasing three (3), \$30 Colossal Cash scratch off lottery tickets, including the ticket in question, on 07/07/2020, at 14:18:39 hrs.. Mr. Martin paid for all three tickets with ninety (90) dollars cash. I asked Ms. Marvel to provide an e-mail stating the aforementioned and additionally asked her to provide video for both 07/07/2020 and 07/09/2020. She stated she would like to do so but would have to first speak to Speedway's legal department.

At 0852 hrs., on 07/15/2020, I spoke to Assistant District Attorney Chief of Town Justice Courts Brian McNamara regarding the process for having both charges against Eric C. Martin fully dismissed. ADA McNamara instructed me to contact Ms. Hilarie Henry, the Assistant District Attorney assigned to the Town of Tonawanda Court. At 16:33 hrs., I spoke to ADA Hilarie

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RECEIVED NYSCEF: 04/20/2022

DEPARTMENT OF POLICE TOWN OF TONAWANDA, NEW YORK

INTRA-DEPARTMENTAL COMMUNICATION

Henry. Ms. Henry informed me she would reach out to the court tomorrow (07/16/2020) to begin the process of having both charges against Eric C. Martin fully dismissed.

At 16:57 hrs., on 07/15/2020, I called Mr. Eric C. Martin to explain the aforementioned. Eric's father (Eric D. Martin) informed me that his son did not wish to speak to us but would prefer our department to communicate with him (Eric D.). I informed Eric's father that the ticket in question has now been confirmed to have been lawfully sold to his son and the charges against his son were going to be fully dismissed. Eric D. Martin stated he understood and would await my call when I had the full dismissal paperwork to pass on.

On 07/16/2020, Ms. Elizabeth Marvel informed me store video from both 07/07/2020 and 07/09/2020 was available for pickup at 535 Kenmore Ave. I reponded to the Speedway to pickup the video. I also spoke at length to the store manager Debra Kruder regarding the process of how lottery tickets are sold and how they are reported stolen.

I compiled all pertinent video, audio, and paperwork for full review. I specifically focused on two particular issues. Probable cause pertaining to Mr. Martin's arrest on 07/09/2020 and the use of force in effecting the custodial arrest of Mr. Martin on the same date.

Probable Cause - Shortly after Detective Muscoreil and Scranton walked through the front doors of the Speedway, Detective Scranton was informed by Lt. Valint, "...it's stolen" and "It's possession of stolen property at the least.". Lt. Valint was holding the scratch off ticket Mr. Eric C. Martin originally tried to cash in. Less than twenty (20) seconds later, the store manager, Ms. Debra Kruder, stated to Detective Muscoreil, "I don't know if he did it. He has a stolen ticket.". This is the information Detectives Scranton and Muscoreil had when they approached Eric C. Martin. Detective Muscoreil ultimately made the decision to arrest Mr. Eric C. Martin. Detective Muscoreil was fully aware of Ms. Kruder's standing and position at the store. Detective Muscoreil acted on information provided by a legitimate representative of the store. Ms. Kruder sign a supporting deposition prepared by P.O. W. Laugeman attesting to Mr. Martin possessing and attempting to cash a stolen lottery ticket.

Use of Force - Detective Muscoreil informed Mr. Eric C. Martin twice that he was "under arrest". On both occasions, Mr. Martin appeared to acknowledge what Detective Muscoreil stated. After Mr. Martin was told twice he was under arrest, Lt. Valint placed his hand on Mr. Martin's right arm and told him to put his hands behind his back, Eric Martin pulled his arm away, turned 90 degrees to face Lt. Valint and took two steps back. Mr. Martin also loudly exclaimed, "I'm not going!". At this point, it appeared Mr. Eric Martin was not willing to fully comply with the attempt to take him into custody. Detective Muscoreil stepped behind Mr. Martin to take hold of his right arm while Detective Scranton took hold of his left arm. Lt. Valint approached with his handcuffs and tried to cuff Mr. Martin's left wrist. Eric Martin tensed up and would not allow his arms to be brought fully behind his back for handcuffing. P.O. Ienco positioned himself in front of Mr. Martin in an attempt to assist Valint, Muscoreil and Scranton. Within eight (8) seconds of attempting to cuff a tensed up, squirming Mr. Martin, Lt. Valint did

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DEPARTMENT OF POLICE TOWN OF TONAWANDA, NEW YORK

INTRA-DEPARTMENTAL COMMUNICATION

get his left wrist handcuffed. Martin was able to pull his left arm to the front of his body, bending over at the waist in the process. Mr. Martin appeared to be attempting to pull both arms in front of his body to keep from being cuffed. Twelve to thirteen (13) seconds after Mr. Martin's left wrist was cuffed, Detective Scranton purposely used his right knee to quickly strike Mr. Martin in the upper left leg. This appeared consistent with an attempt to strike the common peroneal nerve in the mid thigh area. This action did appear to affect Mr. Martin. His left and right arms were then brought behind his back with relative ease. Once both hands were behind his back, they were pushed up his back. This in turn caused Mr. Martin's upper body to bend forward at the waist. Mr. Martin was then pushed down to the floor in a somewhat guided manner. Approximately fourteen (14) seconds after being taken to the floor, Mr. Martin's right wrist was cuffed. In actuality, Eric Martin was handcuffed with two (2) pairs of handcuffs linked together. This was apparently done due to Mr. Martin's muscalature and lack of flexibility. Eight (8) seconds after the handcuffing was complete, Detective Scranton and P.O. Ienco began assisting Mr. Martin off the floor. The video did not depict any apparent physical injury to any involved parties. Mr. Martin did not verbally state anything regarding injury. Based on Eric Martin's active resistance to being handcuffed, it would appear the amount of force utilized to effect the custodial arrest was exercised in a manner wholly consistent with controlling and handcuffing Mr. Martin. The four officers involved appeared to be fully in control of their faculties and focused solely on gaining control of Mr. Martin. Aside from Detective Scranton's knee strike to Mr. Martin's thigh area, Lt. Valint's body worn camera footage depicted no other blows thrown by officers.

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 908523/2021 NYSCEF DOC. NO. 908523/2021

DEPARTMENT OF POLICE TOWN OF TONAWANDA, NEW YORK

SPECIAL ORDER

TO: All Personnel DATE: 03/31/2020

SUBJECT: Arrests during Covid-19 Pandemic

I. Purpose:

The purpose of this Departmental Directive is to provide guidelines to officers in relation to arrests during the period in which COVID-19 is deemed a serious health issue. This Special Order shall be kept in place until further notice.

II. <u>Policy</u>:

It is the policy of the Town of Tonawanda Police Department that all sworn personnel shall recognize that alternatives to in-custody arrests and pre-arraignment confinement are available and shall be used, absent specific circumstances outlined below.

III. Adult Misdemeanor - On-site Arrest Procedures:

Except for the circumstances outlined as (1.), (2.), officers effecting the arrest of any adult person without a warrant for the commission of a misdemeanor, shall advise of the pending issuance of a criminal summons.

- 1. Any mandatory arrest misdemeanor offense involving domestic violence;
- 2. Any misdemeanor offense of operating a motor vehicle while under the influence of alcohol or drugs;

IV. Felony – On-site Arrest Procedures:

Felony arrests shall be handled in accordance with pre-established protocols and New York State Statutes.

V. <u>Juvenile Arrest Procedures</u>:

Juvenile offenses shall be handled in accordance with pre-established protocols.

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NOSCEPTION NOSCEPTION

DEPARTMENT OF POLICE TOWN OF TONAWANDA, NEW YORK

SPECIAL ORDER

VI. Violations, Traffic Infractions, and Parking Violations:

Enforcement action should only be conducted in extreme circumstances when no other recourse is suitable.

VII. Warrant Arrests:

As determined by the Patrol Commander or his designee.

James P. Stauffiger Chief of Police FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021

NOSCEE DOC GASE 1:23-CV-00419-WMS-MJR DOCUMENT 1-15 FILED 05/11/23 Page 188 of 271

RECEIVED NYSCEF: 04/20/2022

Fennell, Joseph

From: Stauffiger, James P.

Sent: Tuesday, March 31, 2020 2:24 PM

To: Bado, Nicholas; Fennell, Joseph; Flatau, Corey; Haug, Jesse; Milosich, Christine; Milosich,

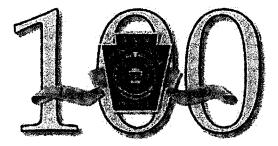
Joseph; Price, David; Shoemaker, Mark

Cc: Missana, Sabina; Anderson, Mary

Subject: Special Order - Arrests during COVID-19

Attachments: Special Order - Arrests During COVID-19.pdf

Importance: High



James P. Stauffiger
Chief of Police
Town of Tonawanda Police Department
1835 Sheridan Drive
Kenmore, New York 14223
(716) 879-6607

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021

NUSCEE DOC: Case 1:23-cv-00419-WMS-MJR Document 1-15 Filed 05/11/23 Page 189 of 271

NUSCEE DOC: NO. 808523/2021

Hark,Tim

From: Fennell, Joseph

Sent: Tuesday, March 31, 2020 2:36 PM

To: Campanella, Jeffrey; Card, Charles; Cavarello, Adam; Ciehomski, Todd; Coffey, David; Dirienzo, Frank; Englert, Kenneth; Falsone, Thomas; Fennell, Joseph; Hark,Tim; Hearitt, Darren; Kaiser, Christopher; Krier, William; Moore, Thomas; Mulla, Michael; Muscoreil,

Mark; Oswald, Thomas; Reinhart, Gary; Schmidt, Eric; Scranton, Mark; Smith, William;

Sprague, Scott

Subject: FW: Special Order - Arrests during COVID-19

Attachments: Special Order - Arrests During COVID-19.pdf

Importance: High



Detective Captain Joseph FennellCriminal Investigation Bureau Commander Town of Tonawanda Police Department Phone (716) 879-6630 Fax (716) 879-6665

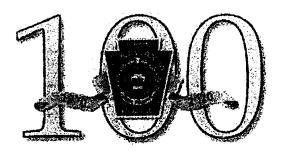
ifennell@tonawanda.ny.us

From: Stauffiger, James P.

Sent: Tuesday, March 31, 2020 2:24 PM

Subject: Special Order - Arrests during COVID-19

Importance: High



James P. Stauffiger
Chief of Police
Town of Tonawanda Police Department
1835 Sheridan Drive
Kenmore, New York 14223
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Fennell, Joseph

From: Fennell, Joseph

Sent: Friday, July 24, 2020 11:22 AM

To:Bado, Nicholas; Flatau, Corey; Haug, Jesse; Milosich, Christine; Milosich, Joseph;
Shoemaker, Mark; Stauffiger, James P.; Bartolotta, Frank; Campanella, Jeffrey; Card,

Charles; Cavarello, Adam; Ciehomski, Todd; Coffey, David; Dirienzo, Frank; Falsone, Thomas; Fennell, Joseph; Hark, Tim; Hearitt, Darren; Kaiser, Christopher; Kazmark, Joseph; Krier, William; Moore, Thomas; Mulla, Michael; Muscoreil, Mark; Reinhart, Gary; Schmidt, Eric; Scranton, Mark; Sprague, Scott; Caputy, Joseph; Colangelo, Anthony; Day, Patrick; Englert, Kenneth; Partyka, Timothy; Price, David; Salonikis, Nikolaos; Scott, Derek; Taber,

Amanda; Valint, Brian

Cc: Henry, Barbara; Nisbet, Patricia; Anderson, Mary

Subject: Appearance Tickets

Effective immediately, all personnel will return to issuing appearance tickets in accordance with our policies, procedures, and state law, as we did prior to the COVID-19 pandemic.

Criminal summons should only be requested in situations where they were used before the pandemic, or in situations where the issuance of an appearance ticket is not possible and/or practicable.

Officers/Detectives must list a court date within the time period required by law (20 days), but should notify the recipient of the appearance ticket that they may receive correspondence from the court changing their court date and time. This is due to restrictions still being applied to the court system due to the COVID-19 pandemic. It is essential that Officers/Detectives secure a valid preferred method of contact to facilitate this correspondence from the court.

If you have any questions, please contact me.



Detective Captain Joseph Fennell
Criminal Investigation Bureau Commander
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Phone (716) 879-6630 Fax (716) 879-6665
ifennell@tonawanda.ny.us

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0-35 PRISONER CUSTODY (10/19/16) Rev.

PROCEDURES FOR TRANSPORTING PRISONERS:

- Α. Search Incident to Lawful Arrest:
 - Every arrestee will be searched for weapons and contraband by an officer prior to being transported. This search will include, but is not limited to: Prior to a search the officer shall ask, "Do you have any needles, contraband or weapons on your person and where?"

 - A pat-down of all body and clothing surfaces, and b.
 - A search of all clothing pockets, shoes, etc., where a weapon or contraband could be readily accessible or concealed. Any person C . arrested shall be searched immediately upon being taken into custody, or, if tactically unsound to do so, at the first practical opportunity.
 - An arrestee's cell phone or any other electronic device in his/her d. possession at the time of arrest may be visually examined to ensure it does not conceal a weapon. The electronic contents will not be searched without a search warrant unless articulable exigent circumstances exist.

Any weapon, dangerous article, or contraband found will be immediately secured, and subsequently either logged and secured in the evidence locker or accompany all other property with the prisoner to the booking area and appropriate reports filed.

Officers will search their vehicles at the beginning and end of each shift, 2. as well before and after transporting any person.

B . Procedures:

- Prisoners will generally be transported in a marked patrol vehicle equipped 1. with a protective cage unless:
 - a. Injuries necessitate immediate transport to a medical facility by an ambulance, or
 - The prisoner is physically disabled to the extent other arrangements would be appropriate.
- Unless injuries or physical deformities interfere, all prisoners will be handcuffed before being transported. Handcuffs will be applied behind the 2. prisoner's back with palms of hands outward and will be double locked.
- 3. Prisoners will not be left unattended and will be transported directly to the jail without unnecessary delay.
- 4. Smoking by prisoners during transport is prohibited.
- Officers will not engage in any type of pursuit or emergency driving while transporting a prisoner. They will not respond to any other calls for service unless there is a clear risk of grave injury to another person \underline{and} 5. the safety of the prisoner will not be put at risk.
- 6. If a subject has been sprayed with a Chemical Agent Projector and is transported in a departmental vehicle, the vehicle shall be decontaminated by thoroughly airing out the vehicle.
- Body Belt: 7. The body belt allows the officer to handcuff the prisoner in the front yet restricts the movement of the prisoner's arms and hands. This device will be used when prisoners cannot be handcuffed behind their back.
- 8. Male officers transporting a female and female officer transporting a male prisoner will:

0-35 PRISONER CUSTODY Cont. (3/26/19)

Always have another officer accompany them during the transport and a. handling of prisoner.

Rev.

- Notify Communications of the transport, destination, starting and b. ending location and mileage.
- Proceed without delay and by the most direct route to their C . destination. The dispatcher will be notified immediately of any delay encountered while en route.
- Female prisoners will be transported separately from male prisoners unless: 9.
 - They are members of the same immediate family and not a threat to each other.
 - Insufficient manpower makes it unfeasible AND sufficient measures can be taken to protect the female from the male prisoners.
- 10. Any prisoner with apparent injuries, who complains of injury, is unconscious or semi-conscious due to drug or alcohol consumption, or who complains of or exhibits any symptoms of anything that may have the potential to be life threatening (e.g., breathing difficulties, chest pain, severe lethargy, head injury) will immediately receive medical attention prior to being transported, and if non-life threatening will immediately receive medical attention upon arrival at the police station.

11. Positioning of Prisoners in Transport Vehicle:

- When one officer is transporting one prisoner; the prisoner will be positioned on the rear seat on the side opposite the officer driving. The officer may use seatbelts to better secure the prisoner.
- When one officer is transporting more than one prisoner, the prisoners b. will be located on the rear seat and, if circumstances warrant, the officer may use seat belts to better secure the prisoners.

12. Observation of Prisoners While Transporting:

- While transporting a prisoner, the officer will remain alert to the prisoner's presence. A second officer will accompany transporting officers in all cases involving prisoner transport of a person of the opposite gender of the transporting officer, violent prisoners, and other extenuating officers as deemed appropriate by a a. patrol supervisor or patrol commander.
- The transporting officer will not allow prisoners to communicate with other people while in transit unless the situation requires $% \left(1\right) =\left(1\right) \left(1\right)$ b. it. The officer shall use his good judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

II. CELLBLOCK SECURITY AND PRISONER PROCESSING PROCEDURES:

- For the purpose of these rules, the cellblock areas shall mean the areas beyond the doors leading to the male cell block, female cell and holding tank. Α.
- В. No firearms will be taken into cellblock areas. All firearms will be secured in the weapons lockers provided in the cellblock hallway. No firearms will be stored in the cellblock area itself. If prisoners are present no firearms or weapons are allowed in the Identification Room or the Breathalyzer Room.
- C.No Tasers, chemical spray, knifes and batons shall be taken into the cellblock area unless authorized by a Supervisor. These items will be secured in the weapons locker.

0-35 PRISONER CUSTODY Cont. (05/11/21) Rev.

- The inner cellblock door will be kept closed and locked at all times. This measure is to quarantee that no prisoner will have unauthorized access to the weapons locker or prisoner
- Any weapons confiscated from a prisoner's person will be appropriately tagged and placed into evidence. Items such as pocket knives will be made safe then inventoried and secured with the prisoner's personal property.
- No officer from another jurisdiction will be allowed access to the cellblock area unless accompanied by a member of this department. It will be the responsibility of such member to see that visiting officers are advised of and comply with these rules.
- G. Prisoner will be escorted to the cellblock area through the security garage and there should be a minimum of two officers present.
- Η. Prisoner will be searched prior to handcuffs being removed.
- Prisoner's property will be inventoried and a Prisoner Property Inventory (TTP-57) will be completed in accordance with the following guidelines:
 - An inventory is not a search. An inventory is conducted to:
 - a. Preserve his/her property while they are incarcerated, held or detained;
 - b. Prevent escape, self-injury, or harm to others;
 - c. Protect the Town of Tonawanda Police Department from disputes over lost or property, or whether property was returned;
 - d. Keep any dangerous items out of the cellblock or secured areas of the Town of Tonawanda Police Station
 - Items that will be inventoried are to include, but are not limited to; unlocked ${\it bags/containers, purses, or other items found on the prisoner or in his/her possession}$ at the time of their arrest. Locked bags/containers and other items secured in such a way as to prevent ready access will not have their contents inventoried unless consent is given by the owner, or a key/code is present to open it or if it poses an imminent danger to the Police or public. The electronic content of an arrestee's cell phone or electronic device may not be inventoried.
 - An inventory of property shall not be used to subvert the preferred methods of Search and Seizure in accordance with NYS Laws. If there is probable cause to believe the secured item contains evidence or the fruits or instrumentalities of a crime and it has not been inventoried in accordance with this policy, a search warrant should be
 - Any evidence, contraband or unlawfully possessed items discovered during the prisoner property inventory shall be seized and is admissible in court as evidence of a crime. 4.
 - Inventories will also be conducted in situations where a person is confined or detained within the Town of Tonawanda Police Department. This includes runaways, PINS warrants 5. or any other type of detainer or legal process that requires a person be held or detained at the Town of Tonawanda Police Department building.

J. Strip Searches

DEFINITION

The process of having an arrested person remove or arrange some or all of his or her clothing; or, if an arrested person refuses to remove or arrange his or her clothing, having a police officer or employee of the police department remove or arrange the clothing of the arrested person so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments used to clothe said anatomical parts of the body.

Strip searches may, under certain circumstances, be necessary to protect the safety of Officers, civilians and other prisoners and to detect and secure evidence of criminal activity. Such searches must be founded on reasonable suspicion that the arrestee is concealing evidence underneath clothing and must be conducted in a reasonable manner, with due recognition and deference for the human dignity of those being searched.

O-35 PRISONER CUSTODY Cont. (10/19/16) Rev.

- Strip searches should be performed by Officers of the same sex as the person on whom the strip search is being performed.
- K. Visual Cavity Inspections
 - 1. Visual Cavity Inspections will be conducted if an Officer has an articulable factual basis supporting a reasonable suspicion the arrestee has secreted evidence inside a body cavity.
 - Visual Cavity Inspections must be conducted reasonably, with due recognition and deference for the human dignity of those being searched. Visual Cavity Inspections should be performed by Officers of the same sex as the person on whom the inspection is being performed unless the cavity to be searched is the mouth.
 - 3. If an object is visually detected, or other information provides probable cause that an object is hidden within an arrestee's body, then a warrant must be obtained for a Body Cavity Search to facilitate the removal of the object unless exigent circumstances reasonably prevent prior judicial authorization.
- L. Body Cavity Searches
 - A body cavity search shall be conducted only under the authority of a search warrant specifically authorizing a body cavity search.
 - Only a licensed physician or registered nurse shall conduct a body cavity search.
 - Officers may be present during the search, but only those of the same sex as the person on whom a body cavity search is being conducted.
- M. Officers will complete the Prisoner Property Inventory (TTP-57 form) and will ask the prisoner the following medical screening questions contained on the back of the Prisoner Property Log (TTP-57 form):

PRISONER QUESTIONS

- 1. Are there any physician prescribed medications that you take daily?
- 2. Have you had any ALCOHOLIC BEVERAGES or ILLICIT DRUGS in the last 8 hours?
- 3. Have you sustained any injury within the last 8 hours?
- A "YES" response to any above question may prompt an evaluation by the paramedics.
- N. Officer will have prisoner sign Prisoner Property Inventory (TTP-57 form) then log seal number on the form and place prisoner's property into prisoner locker along with the Prisoner Property Inventory (TTP-57 form) and seal it.
- O. Suicide Prevention Screening Form (Male & Female Prisoners)
 - 1. All Department members will use the "Suicide Prevention Screening Guidelines" form for prisoners being housed in our lockup. Blank copies will be available in the cell block. You will need to make 2 copies of the completed form. The original will go with the arrest folder, or if there is no arrest folder, with the original police report which will be forwarded to the Records Bureau. One copy will go with the prisoner's property, brought to the Holding Center, and given to the deputy. If the prisoner is taken elsewhere (i.e. ECMC, another jurisdiction), the copy will be turned over there. One copy will be forwarded to the Service Bureau.
- P. Officer will mark on the prisoner boards located in the cellblock and at the front desk the prisoners name, charges, bail amount and any other important information.

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O-35 PRISONER CUSTODY Cont. (10/19/16) Rev.

- Q. If requested by the prisoner a blanket will be given.
- R. Officer will complete Prisoner Check Card (TTP-91 form).
- S. Officer will notify Public Safety Dispatch, Front Desk Officer, and his/her immediate supervisor that a prisoner has been locked up.
- T. Officer will also notify a CIB Supervisor or Detective that a prisoner has been locked up and may require further booking/processing. If CIB personnel are unavailable, the prisoner's paperwork will be placed in the proper cubicle that corresponds to the prisoner's cell at the front desk.
- U. Female Prisoners:
 - Female prisoners will remain in the Datamaster room with audio and video being recorded, until a female officer or matron arrives and escorts the female prisoner to the female cellblock.
 - Female prisoner will not be placed or removed from the cellblock area unless a female officer or matron is present.
 - 3. Female officer or matron will supervise female prisoner in cellblock.
 - 4. Female officer or matron will retain the key to the female cellblock at all times.
 - 5. The recording media of the female prisoner in the Datamaster room will be logged into Charms then forwarded to the Service Bureau.

III. PARAMEDIC CHECKS OF PRISONERS:

- A. As employees of the Town of Tonawanda Police Department and being authorized by the Town of Tonawanda Police Medical Director, the Town of Tonawanda EMT Paramedics may upon the request of a Police Officer evaluate prisoners to determine the need for medical intervention. The Paramedics will follow the below procedure when checking prisoners:
 - 1. History of present illness/complaint
 - 2. Physical examination
 - 3. Procedures authorized by the Medical Director
 - 4. Administration of the prisoner's own medication:
 - a. Determine when the last dose was taken and ensure that the medication is properly delivered as prescribed.
 - b. Medication must be positively identified prior to delivering such medication.
 - c. No medication shall be given to a prisoner unless authorized or prescribed by a physician.
 - d. Medications have to be in the original dispensing container.
 - 5. Disposition:
 - a. Remain in custody
 - b. Referral to Healthcare facility
 - 6. Obtain online medical direction from the Emergency Medical Unit
- B. The Town of Tonawanda Prisoner Check Encounter form will be used for documentation purposes.

O-35 PRISONER CUSTODY Cont. (10/19/16) Rev.

IV. RECORDING ARRESTS:

A. POLICY:

1. It shall be the policy of the Town of Tonawanda Police Department to record all subjects arrested and brought to the Datamaster room at headquarters according to the following procedure:

B. PROCEDURE:

- Complete the label on the media with the information requested and insert it in the recorder. If it is a felony arrest, put an "F" on the label and circle it.
- 2. All recordings have to be entered into Charms.
- 3. Upon completion of a DWI arrest and/or testing procedures remove the media from the recorder and forward it to the Service Bureau.
- 4. DWI and felony recordings will be kept until disposition of the case. Non-DWI/felony recordings will be kept for 100 days. If an officer wishes to have a non-DWI/felony recording held until disposition of the case, write "SAVE" and your badge number in red on the label.

V. PRISONER CHECKS:

- A. Public Safety Dispatch personnel will physically check on the prisoner every 30 minutes or less.
- B. When the prisoner is checked, the Public Safety Dispatcher will sign the Prisoner Check Card (TTP-91 form), date and time the check was completed and the status of the prisoner.
- C. In situations where a prisoner's physical or mental condition obviously warrants it, constant observation and supervision shall be provided.

VI. PRISONER MEALS:

A. When possible prisoners will be fed at the following times:

0900-1000 hours (Breakfast orders will be called in to Public Safety Dispatch Center by the Criminal Investigation Bureau)
1300-1400 hours (Lunch)
1800-1900 hours (Dinner)

- B. Public Safety Dispatch will place the order for the prisoner meal and if the Animal Control Officer is working, he will pick the meal up and deliver it to the prisoner. If the Animal Control Officer is not working, an officer will pick the meal up and deliver it to the prisoner. If Patrol has manpower issues, they can request staff officers or the CIB to deliver the meal from the Front Desk after patrol drops it off. Only under emergency circumstances will dispatchers be used for delivering the meals to the prisoners.
- C. After the prisoner has been given their meal, the Prisoner Check Card (TTP-91 form), will be signed and will indicate the date and time that the prisoner was fed. File the menu receipt in the Planning Captain's mail drawer.
- D. When special circumstances arise and a prisoner has special dietary needs, example prisoner requires food immediately for medical reasons, prisoner has dietary laws established by their religion, or medical diet ordered by a physician contact a Patrol Supervisor for arrangements for the prisoner to be fed.

PRISONER CUSTODY Cont. (04/03/17)Rev.

VII. VISITATION:

- Α. Prisoners are allowed a visit by the following persons only as per 9 CRR-NY 7510.1NY-CRR
 - Legal Counsel
 - 2. Clergy
 - Immediate family
- Explain to the visitor that our visitation facilities are limited to the Datamaster Room and the visit will need to be brief and under two officer's observation. Before escorting the citizen В. upstairs, the following procedure shall be followed:

 - Two officers are required to be present for the visit. The visitor will leave personal belongings with someone that has accompanied them or they will be secured in a gun lockup in the cell block. No purses, bags, or other items shall be taken into the Datamaster room.
 - The visitor must be patted down prior to seeing prisoner. If the visitor has an outer garment such as a coat it shall be removed. The officers shall be alert to anything that may be secreted on the visitor's person. The visitor shall also be advised that no weapon or contraband will be allowed on their person.

 The dispatch personnel shall be advised of the visit so it can be recorded on the prisoner 3.
 - 4. card.
 - The visitor can be escorted to the Datamaster room.
 - Both the cellblock and hallway door must be locked prior to removing the prisoner and remain locked during the visit.
 - 7.
 - The officers must secure their weapons in the gun locker. Remove the prisoner from the cellblock and take him to the Datamaster room. Advise both parties at this time that no physical contact will be tolerated. 8.
 - The officers can close the door so the visit can be in private. However, visual contact must be maintained through the window.
 - 10. When the visit is completed the prisoner will be thoroughly searched and returned to his or her cell. The visitor will now be escorted back to the front desk.

VIII. RELEASE OF PRISONERS:

- Α. PRISONER PROPERTY INVENTORY:
 - When releasing a prisoner, ensure the prisoner checks his property, counts his money and signs the TTP-57 form. The releasing officer countersigns with date and time. The empty TTP-57 form will be filed in the file drawer at front desk.
- PRISONER CARDS: В.
 - When a prisoner is released on bail or personal recognizance, etc., the releasing officer shall see that the prisoner check card (TTP- 91) is brought downstairs from the cellblock area and filed numerically in order, in the file box at the Front Desk, and time of release are noted as well as any follow-up information, such as: "Taken to #10 Delaware, picked up by another Police Department, bailed, etc." Yellow female cards are filed behind male prisoner cards.
- Have prisoner clean out the cell and have them place all items in the appropriate can provided.
- D. After the prisoner is released mark the status board under the appropriate space that the cell is dirty, so that the cell can be cleaned.
- The person releasing the prisoner will notify the Public Safety Dispatch Center and the Criminal Investigation Bureau.

TX. PERSONAL PROPERTY OF PRISONERS BEING TRANSPORTED:

- To assist officers in transporting prisoner's personal property to the Eric County Holding Center or any other detention facility, a supply of approved clear plastic bag has been placed in the cell block for that purpose. Any property not fitting into this bag will be forwarded to the Service Bureau along with a CHARMS sticker, signed copy of the Prisoner Property Log and a copy of
- The officer sealing the property bag, and the prisoner, will initial it in the customary place over the sealed flap. The officer will present the bag to the jailer at the Erie County Holding Center, В. or other detention facility.
- C. Prisoner property turned over to the Service Bureau will be held for a minimum of 30 days. After 30 days, reasonable effort will be made to contact the property owner for retrieval. If attempts to contact the property owner are unsuccessful, or more than 6 months has passed, the property will be disposed of.

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O-35 PRISONER CUSTODY Cont. (06/08/07) Rev.

X. SPECIAL CONSIDERATIONS:

A. Chemical Agent Projector:

Any prisoner who has been sprayed with a Chemical Agent Projector shall be evaluated by the paramedics. Anyone that may come in contact with the subject will be notified of the subject's exposure to the Chemical Agent Projector. The officers should make every reasonable effort to relieve the discomfort of the subject. If conditions permit, flush eyes and the sprayed areas with clear water. Do not rub the eyes. Symptoms should disappear after 45 minutes. If they persist, medical attention should be provided.

B. Suicide Prevention:

1. Police department personnel involved in the lockup and supervision of arrested persons must be aware that the police lockup setting may have significant emotional consequences for these arrested persons. Viewed from the perspective of the inmate, the lockup setting can promote feelings of helplessness, hopelessness, isolation, fear and shame. These feelings when combined with other factors may make an individual more inclined toward thoughts or actions of suicide.

Because of this, department personnel must be alert for signs or indicators of increased suicide risk when dealing with incarcerated persons.

2. Arresting officers, booking personnel, processing personnel, and monitoring personnel must be aware of behavior that represents or indicates suicide potential. In general personnel must be aware that:

Intoxication
Depression
Agitation or aggressiveness
Statements about suicide

are all signs and symptoms of potential suicide.

- 3. When preparing to place arrested persons into confinement and during all other contacts with such people during confinement, department personnel should look for evidence or signs of the following behaviors or circumstances:
 - a. Intoxication or alcohol consumption by the prisoner
 - b. Under the influence of other drugs or known drug abuse history of the prisoner
 - c. Apparent despondency by the prisoner indicated by statements or apparent emotional condition
 - d. Statements or actions by prisoner indicating an intent or inclination toward self harm.
 - e. The arrest is the result of some act of violence by the prisoner, especially one emanating from a domestic or personal conflict.

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O-35 PRISONER CUSTODY Cont. (06/08/07) Rev.

- f. Recent loss by the prisoner of a stabilizing relationship such as the loss of a loved one, job, home, business, financial stability, personal relationship, school expulsion, etc.
- 4. When any of these behaviors or circumstances exists, special care must be taken as follows:
 - a. Remember that the first 24 hours of incarceration is the most crucial period for suicide by an inmate, which in most cases covers the entire length of time we incarcerate a person.
 - b. Make a note on the prisoner card, in the original police report and on the cell # board that the prisoner requires special monitoring attention.
 - c. Have the prisoner examined by paramedics to eliminate the existence of serious, immediate medical problems.
 - e. Place the prisoner in a cell that is monitored in public safety dispatch by video camera.
- 5. When any of these behaviors exist in combination sufficient to create the impression of a high risk that a prisoner might attempt to harm himself, then the following precautions will also be taken:
 - a. Remove any potential instrument of suicide from the prisoner to include clothing and blankets.
 - b. Public Safety Dispatch personnel will make in person checks of the prisoner at least as often as every 15 minutes.
 - c. Make arrangements for any necessary judicial proceedings as soon as possible so that the person can be released or transferred to the holding center as soon as possible.
- 6. If at any time it is determined that the prisoner represents a danger to himself beyond this department's ability to protect the prisoner, then a police supervisor and a paramedic will be notified to provide for the transfer of the prisoner to an appropriate mental health facility under Section 9.41 of the Mental Health Law of New York State. During the entire time that these arrangements are being made, the prisoner will be monitored in person and continuously by department personnel. As part of this procedure, the supervisor may arrange for any judicial proceedings or appearance tickets necessary to release the prisoner from custodial confinement. If under these circumstances it is not possible to make arrangements with the court to secure transfer to the holding center or release from custodial confinement, then we are responsible for guarding the prisoner at the mental health facility until such arrangements can be made. In any instance where a prisoner at risk is transferred to the holding center, the transferring officers will communicate the prisoner's condition to the holding center personnel.

0-35 PRISONER CUSTODY Cont. (06/08/07) Rev.

C.

Incapacitated Prisoners Due to Alcohol or Drugs:
1. If at any time a prisoner appears to be physically incapacitated due to drug or alcohol intoxication a police supervisor and a paramedic will be notified to provide for the transfer of the prisoner to an appropriate mental health facility under Section 22.09 of the Mental Health Law of New York State. During the entire time that these arrangements are being made, the prisoner will be monitored in person and continuously by department personnel. As part of this procedure, the supervisor may arrange for any judicial proceedings or appearance tickets necessary to release the prisoner from custodial confinement. If under these circumstances it is not possible to make arrangements with the court to secure transfer to the holding center or release from custodial confinement, then we are responsible for guarding the prisoner at the mental health facility until such arrangements can be made. In any instance where a prisoner at risk is transferred to the holding center, the transferring officers will communicate the prisoner's condition to the holding center personnel.

Medical Facilities: D.

- When a prisoner is transported to a medical facility and is admitted by the attending physician, the officer will immediately notify the supervisor. The supervisor will, in turn, use the following procedure to ensure control of the prisoner.
 - Have the prisoner released from police custody, if appropriate. a.
 - If the prisoner has to remain in custody, arrangements will be b. made for the arraignment of the prisoner and then to have prisoner secured at the Sheriff's lockup in the Erie County Medical Center.
 - The prisoner shall be kept under observation at all times and, C. normally, restraining devices shall be used. Officers shall consult with medical personnel concerning use of restraining devices until transferred to the Sheriff's custody.
 - If necessary the supervisor will provide for guarding of the prisoner and will ensure that guards are checked periodically and relieved as necessary.

E . Violent Prisoners:

- If a prisoner is being transported by ambulance and is violent, an officer will ride in the ambulance patient compartment, if necessary. If not, the officer will closely follow the ambulance to the hospital. Such prisoners will be handcuffed during transport and as necessary at the hospital.
- Violent prisoners will remain restrained during all medical and 2. mental health evaluations. If a medical supervisor or treating physician requires the removal of restraints, the officer will do so only after advising the requesting person of the potential for injury to others.

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O-35 PRISONER CUSTODY Cont. (06/08/07) Rev.

F. Juvenile Prisoners:

1. Juvenile prisoners will be brought to the Juvenile Bureau through the designated entrance for any questioning.

G. Communicable Diseases:

- 1. When coming in contact with prisoners known to be, or suspected of being infected with AIDS, Hepatitis B, or any other communicable disease, precautions shall be taken to avoid exposure to the disease. Isolation masks and latex surgical gloves are provided and shall be utilized.
- 2. If a prisoner is going to spend the night or will be incarcerated for a long period of time a disposable blanket will be issued upon request of the prisoner.
- 3. If a prisoner's clothing has to be removed, disposable clothing is available in the cell block.
- 4. Whenever turning a prisoner known or suspected to have a communicable disease over to another agency, this information shall be relayed to the appropriate personnel, following existing legal guidelines, in order to avoid unnecessary exposure to others.
- 5. Upon release of a prisoner, the cell in which said prisoner was housed will be sealed and remain unused until such time as appropriate decontamination procedures can be carried out.

XII. ESCAPE OF PRISONERS:

- A. In the event of a prisoner escaping, the transporting officer will:
 - 1. Immediately notify the dispatcher of the description of the escapee and any other pertinent information which will aid in recapture.
 - 2. Notify the Shift Commander
 - 3. File a police report and appropriate criminal charges.
- B. The Shift Commander or his designee will:
 - 1. Coordinate a thorough search of the area of escape.
 - 2. Request any necessary additional assistance from other units or outside agencies.
 - 3. Conduct an investigation into the circumstances of the escape.
- C. If the escape occurs in another jurisdiction, the transporting officer will immediately notify the law enforcement agency of that jurisdiction and notify his commanding officer as soon as possible. Upon returning to the Town of Tonawanda, the officer will complete the necessary police report documenting the details of the incident.

0-35 PRISONER CUSTODY Cont. (08/12/2016) Rev.

CELLBLOCK PROBLEMS: XII.

- Any problems arising with prisoners in the cellblock shall be brought to a supervisor's attention via the Public Safety Dispatcher. These would include such \overline{A} . incidents as first aid, damage to cell, flooding the toilets and basin, or throwing food and waste.
- There are options available to help alleviate some immediate problems such as В. separating prisoners, using the holding tank and using the empty female cellblock, turning off the water supply, removal of all prisoners clothing, etc. Police reports shall be made where necessary, especially first aid and criminal mischief.
- Any inmate death, injury or illness which requires hospitalization; civil or natural emergency; or disturbance must be reported to the New York State Commission of Correction. The following procedure must be followed. In the event of a death the procedure requires a completed Part I of form "M-187" to be telefaxed to the Commission at (518) 485-2467 within six hours of pronouncement of death. The Commission receives faxed messages 24 hours a day, seven days a week. If an injury or illness which requires hospitalization; civil or natural emergency; or disturbance occurs involving prisoners, a completed form "SCOC-501" must be mailed to the NYS Commission of Correction, 80 Wolf Rd., 4th Floor, Albany, NY 12205 within 24 hours of the incidents occurrence. It will be the responsibility of the duty commander to see that this notification is accomplished.

XIII. EMERGENCY RESTRAINT CHAIR (ERC)

- The ERC is to be used for prisoners who are exhibiting violent, combative or self destructive behavior. A prisoner damaging or tampering with utilities or monitoring equipment within a cell in such a way that it compromises their safety, or our ability Α. to properly monitor them would also justify the use of the ERC.
- R. The ERC is not to be used as a form of punishment.
- If a prisoner meets any of the aforementioned criteria and the ERC is put into use, it must be used in the manner that was instructed during training. Consideration should be given to enacting a 9.41 MHL commitment at this point if appropriate.
- $\textit{Upon placing a prisoner into or removing a prisoner from the ERC, notifications are to be \textit{made to Communications and a Patrol Supervisor. Notations should also be \textit{made on the prisoner from the ERC, notifications are to be \textit{made to Communications and a Patrol Supervisor. Notations should also be \textit{made on the prisoner from the ERC, notifications are to be \textit{made to Communications and a Patrol Supervisor. Notations should also be \textit{made on the Communications are to be made to Communications and a Patrol Supervisor. Notations should also be \textit{made to Communications and a Patrol Supervisor. Notations should also be made to Communications and a Patrol Supervisor. Notations should also be made to Communications and a Patrol Supervisor. Notations should also be made to Communications and a Patrol Supervisor. Notations should also be made to Communications and a Patrol Supervisor. Notations should also be made to Communications and a Patrol Supervisor. Notations should also be made to Communications and a Patrol Supervisor. Notations should also be made to Communications and the Communications are considered as the Communication and the Communications are considered as the Communication and the Communication are considered as the Communication and the Communication and$ D. prisoner card to indicate that the person was placed into/removed from the chair and at what time. If there is no police report written, one is to be completed and include the above information. If a report already exists, a supplement is to be completed.
- E. Prisoners will be under constant observation when placed into the ERC.
- A prisoner cannot be held in the ERC for a period longer than two hours without being removed and allowed to move around. This is to avoid complications related to circulation and cramping. If the prisoner continues to meet the criteria listed in paragraph "A" after a two hour period has expired, consideration should again be given to enacting a 9.41 MHL commitment.
- If a prisoner placed in the ERC no longer exhibits the behavior listed in paragraph "A", he/she may be released from the ERC and placed into a cell.
- Use of the ERC would qualify as a disturbance and is therefore a reportable incident under Correction Law. The shift commander or other designated personnel should complete the Reportable Incident form (SCOC-501).
- I. A copy of the Reportable Incident Form, Police Report, Use of Force Report, and Prisoner Card should be forwarded to the Assistant Chief, Commander of the Records Bureau, and the Commander of the Service Bureau. One of the aforementioned persons will fax, or submit via the ejustice portal, all necessary paperwork/information to the Commission of Corrections $(1-5\bar{1}8-485-2\bar{4}67)$.

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Reused

USE OF FORCE - Cont. (06/25/20) Rev.

- Deadly physical force may be used to stop a fleeing suspect where:
 - The officer has probable cause to believe the suspect has committed \boldsymbol{a} 1. felony involving the infliction or threat of serious physical injury or death; and,
 - The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or others.
 - 3. Where feasible, some warning should be given prior to the use of deadly physical force.

VIII. Prohibited Use of Force

- Force shall not be used by an officer for the following reasons: Α.
 - To extract an item from the body or a cavity of a subject without a warrant, except where exigent circumstances are present;
 - 2. To coerce a confession from a subject in custody;
 - To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;
 - Against persons who are handcuffed or restrained unless it is used to 4. prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.
- Deadly force shall not be used against persons whose actions are a threat only to В. themselves or property.
- C. Firearms shall not be discharged at a moving vehicle except in the following exigent circumstances:
 - A person in the vehicle is threatening the officer or another person
 - with deadly force other than the vehicle; or The vehicle is operated in a manner deliberately intended to strike 2. an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
- Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for D. this use of deadly force.
- A police officer is not permitted to carry or use authorized weapons unless qualified in their use as per department standard unless exigent circumstance E. exists.
- The use of a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air is prohibited, except in those situations where the use of deadly physical force is authorized.
- If an exigent circumstance exists that poses an imminent threat to the safety of the officers or the public requiring the immediate use of an improvised weapon of opportunity, the officer may use the weapon. In such circumstances, the use of an improvised device or method must be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.
- H. Warning shots are prohibited.



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0 - 37USE OF FORCE - Cont.

(06/25/20)

IX.

Reporting and Reviewing the Use of Force Any member of this department who discharges his or her weapon while on or off duty under circumstances wherein a person could be struck by a bullet from the weapon, including situations wherein such officer discharges his or her weapon in the direction of a person, shall verbally report the incident to a supervisor within six (6) hours of the occurrence of the incident and shall prepare and file a written report of the incident within forty-eight (48) hours of the occurrence of the incident. Nothing contained in this section shall prevent any officer from invoking his or her constitutional right to avoid self-incrimination.

Any use of force by a member of this department other than the discharge of a weapon shall be reported as soon as practicable to their supervisor.

All uses of force will be documented promptly on a standardized use of force report form (TTP

- Any injuries resulting from a use of force incident shall result in the appropriate Д. and timely medical attention being provided to the injured party.
- The officer should articulate the factors perceived and why he/she believed the use of В. force was objectively reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.
- C.The officer will report anything of evidentiary value pertaining to the use of force.

Χ.

- Procedures for Investigating Use of Force Incidents

 A. A supervisor should respond to the scene to begin the preliminary force investigation.
- A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in the use of force and should document all officers present at the time the force or alleged force was used.
- Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- Any and all reports related to the use of force shall be forwarded through the proper chain of command. The Captain of the platoon or bureau that the officer using force D. reports to will review the supervisor's report and conduct an investigation if appropriate. Officers using force that does not adhere to the use of force guidelines will have their actions addressed in accordance with the protocols set forth in the Town of Tonawanda Policies and Procedures manual.
- The Chief of Police, or his designee, will ensure ALL use of force incidents are recorded on the agency's use of force tracking spreadsheet.
- The Chief of Police, or his designee, will ensure use of force incidents, which meet the parameters, are reported to the Department of Criminal Justice Services (DCJS) through the method of reporting established by DCJS. F.
- For purposes of this section, a supervisor shall be defined as an officer holding the G.official rank of Lieutenant or above.

XT. Training

- $ar{ ilde{A}}$ ll officers will receive training and demonstrate their understanding on the proper application of force.
- Training topics will include use of force, conflict prevention, conflict resolution and negotiation and de-escalation techniques and strategies to include interacting В. with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.

XII.

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TOWN OF TONAWANDA POLICE DEPARTMENT

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ORDER

O-37 USE OF FORCE - Cont. (10/29/19) Rev.

- B. Deadly physical force may be used to stop a fleeing suspect where:
 - 1. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
 - The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or others.
 - Where feasible, some warning should be given prior to the use of deadly physical force.

VIII. Prohibited Use of Force

- A. Force shall not be used by an officer for the following reasons:
 - To extract an item from the body or a cavity of a subject without a warrant, except where exigent circumstances are present;
 - To coerce a confession from a subject in custody;
 - To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;
 - 4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.
- B. Deadly force shall not be used against persons whose actions are a threat only to themselves or property.
- C. Firearms shall not be discharged at a moving vehicle except in the following exigent circumstances:
 - A person in the vehicle is threatening the officer or another person with deadly force other than the vehicle; or
 - 2. The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
- D. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.
- E. A police officer is not permitted to carry or use authorized weapons unless qualified in their use as per department standard unless exigent circumstance exists.
- F. If an exigent circumstance exists that poses an imminent threat to the safety of the officers or the public requiring the immediate use of an improvised weapon of opportunity, the officer may use the weapon. In such circumstances, the use of an improvised device or method must be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.
- G. Warning shots are prohibited.

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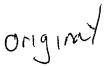
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TOWN OF TONAWANDA **POLICE DEPARTMENT**

GENERAL



ORDER



0-37 USE OF FORCE - Cont. (10/29/19)Rev.

- Reporting and Reviewing the Use of Force IX. Any use of force by a member of this department shall be reported as soon as practicable to their supervisor and documented promptly on a standardized Use of Force Form (TTP 47).
 - Any injuries resulting from a use of force incident shall result in the appropriate and timely medical attention being provided to the injured party.
 - The officer should articulate the factors perceived and why he/she believed the В. use of force was objectively reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.
 - The officer will report anything of evidentiary value pertaining to the use of C . force.

Procedures for Investigating Use of Force Incidents Х.

- A supervisor should respond to the scene to begin the preliminary force investigation.
- A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in the use of force and should В. document all officers present at the time the force or alleged force was used.
- Photographs should be taken which sufficiently document any injuries or lack C.thereof to officers or suspects.
- Any and all reports related to the use of force shall be forwarded through the proper chain of command. The Captain of the platoon or bureau that the officer D. using force reports to will review the supervisor's report and conduct an investigation if appropriate. Officers using force that does not adhere to the use of force guidelines will have their actions addressed in accordance with the protocols set forth in the Town of Tonawanda Policies and Procedures manual.
- The Chief of Police, or his designee, will ensure ALL use of force incidents are Ε. recorded on the agency's use of force tracking spreadsheet.
- The Chief of Police, or his designee, will ensure use of force incidents, which meet the parameters, are reported to the Department of Criminal Justice Services F. (DCJS) through the method of reporting established by DCJS.
- For purposes of this section, a supervisor shall be defined as an officer holding G. the official rank of Lieutenant or above.

XT. Training

- All officers will receive training and demonstrate their understanding on proper application of force.
- Training topics will include use of force, conflict prevention, conflict resolution and negotiation and de-escalation techniques and strategies to include В. interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.

XII. Policy Accessible By The Public

This policy will be conspicuously displayed on the Town of Tonawanda Police Department's website. A.

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0-37 USE OF FORCE (10/01/20) Rev.

I.

The purpose of this policy is to provide Town of Tonawanda Law Enforcement Officers with guidelines for the use of physical and deadly physical force.

This policy is not intended to endorse or prohibit any particular tactic, technique, or method of employing force. Separate policy guidance and training should be provided for each of the available force instrumentalities made available to officers.

II.

It is the policy of the Town of Tonawanda Police Department to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officers and others. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer at the scene, rather than with the 20/20 vision of hindsight... the question is whether the officer's actions are 'objectively reasonable' in light of the facts and circumstances confronting them." (Graham v. Connor, 490 U.S. 386 (1989))

This policy is written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires a careful balancing of all interests.

III. Definitions

- A. Objectively Reasonable An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.
- B. Physical Force Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another, prevent the escape of a person from custody, or in defense of one's self or another.
- C. <u>Deadly Physical Force</u> Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.
- D. Physical Injury Impairment of physical condition or substantial pain.
- E. <u>Serious Physical Injury</u> Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
- F. De-escalation Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion and tactical repositioning.
- G. Exigent Circumstance Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

O-37 USE OF FORCE - Cont. (10/01/20) Rev.

IV. Use of Force

- A. In general terms, force is authorized to be used when necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.
- B. Under the 4th Amendment, a police officer may only use such force as is "objectively reasonable" under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.

V. Determining the Objective Reasonableness of Force

- A. When used, force should be only that which is reasonable and necessary given the circumstances perceived by the officer at the time of the event.
- B. Factors that should be used in determining the reasonableness of force include, but are not limited to:
 - 1. The severity of the crime or circumstance;
 - 2. The level and immediacy of threat or resistance posed by the suspect;
 - 3. The potential for injury to citizens, officers and suspects;
 - 4. The risk or attempt of the suspect to escape;
 - 5. The knowledge, training and experience of the officer;
 - Officer/Subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects present;
 - 7. The effects of drugs and/or alcohol on a subject;
 - 8. The mental state or capacity of a subject;
 - 9. Other environmental conditions or exigent circumstances.

VI. Duty to Intervene

- A. Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- B. An officer who observes another officer use force that exceeds the degree of force as described in subdivision A of this section should promptly report these observations to a supervisor.

VII. Use of Deadly Physical Force

A. Deadly physical force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.

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O-37 USE OF FORCE - Cont. (10/01/20) Rev.

- B. Deadly physical force may be used to stop a fleeing suspect where:
 - The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
 - 2. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or others.
 - 3. Where feasible, some warning should be given prior to the use of deadly physical force.

VIII. Prohibited Use of Force

- A. Force shall not be used by an officer for the following reasons:
 - To extract an item from the body or a cavity of a subject without a warrant, except where exigent circumstances are present;
 - To coerce a confession from a subject in custody;
 - To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;
 - 4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.
- B. Deadly force shall not be used against persons whose actions are a threat only to themselves or property.
- C. Firearms shall not be discharged at a moving vehicle except in the following exigent circumstances:
 - 1. A person in the vehicle is threatening the officer or another person with deadly force other than the vehicle; or
 - 2. The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
- D. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.
- E. A police officer is not permitted to carry or use authorized weapons unless qualified in their use as per department standard unless exigent circumstance exists.
- F. The use of a chokehold or similar restraint that applies pressure to the throat, windpipe, neck or blocking the mouth or nose of a person in a manner that may hinder breathing or reduce intake of air or obstruct blood circulation is prohibited, except in those situations where the use of deadly physical force is authorized.
- G. If an exigent circumstance exists that poses an imminent threat to the safety of the officers or the public requiring the immediate use of an improvised weapon of opportunity, the officer may use the weapon. In such circumstances, the use of an improvised device or method must be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.
- H. Warning shots are prohibited.

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O-37 USE OF FORCE - Cont. (10/01/20) Rev.

IX. Reporting and Reviewing the Use of Force

Any member of this department who discharges his or her weapon while on or off duty under circumstances wherein a person could be struck by a bullet from the weapon, including situations wherein such officer discharges his or her weapon in the direction of a person, shall verbally report the incident to a supervisor within six (6) hours of the occurrence of the incident and shall prepare and file a written report of the incident within forty-eight (48) hours of the occurrence of the incident. Nothing contained in this section shall prevent any officer from invoking his or her constitutional right to avoid self-incrimination.

Any use of force by a member of this department other than the discharge of a weapon shall be reported as soon as practicable to their supervisor.

All uses of force will be documented promptly on a standardized use of force report form (TTP 47).

- A. A police officer who has custody of a person must provide attention to the medical and mental health needs of that person and obtain assistance and treatment of such needs, which are reasonable and provided in good faith.
 - Any injuries resulting from a use of force incident shall result in the appropriate and timely medical attention being provided to the injured party.
 - 2. The immediate mental health needs of a person shall be based upon the reasonable cause to believe that a person, who appears to be mentally ill, is conducting themselves in a manner which is likely to result in a serious harm to themselves or others.
- B. The officer should articulate the factors perceived and why he/she believed the use of force was objectively reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law.
- C. The officer will report anything of evidentiary value pertaining to the use of force. Officers should document any requests for necessary medical or mental health treatment as well as efforts of police to arrange for such treatment.
- D. For purposes of the section, a supervisor shall be defined as an officer holding the official rank of Lieutenant or above.

X. Procedures for Investigating Use of Force Incidents

- A. A supervisor should respond to the scene to begin the preliminary force investigation.
 - B. A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in the use of force and should document all officers present at the time the force or alleged force was used.
 - C. Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
 - D. Any and all reports related to the use of force shall be forwarded through the proper chain of command. The Captain of the bureau that the officer using force reports to will review the supervisor's report and conduct an investigation if appropriate. Officers using force that does not adhere to the use of force guidelines will have their actions addressed in accordance with the protocols set forth in the Town of Tonawanda Policies and Procedures manual.
 - E. The Chief of Police, or his designee, will ensure ALL use of force incidents are recorded on the agency's use of force tracking spreadsheet.
 - F. The Chief of Police, or his designee, will ensure use of force incidents, which meet the parameters, are reported to the Department of Criminal Justice Services (DCJS) through the method of reporting established by DCJS.

O-37 USE OF FORCE - Cont. (10/01/20) Rev.

- G. For purposes of this section, a supervisor shall be defined as an officer holding the official rank of Lieutenant or above.
- XI. Training
 A. All officers will receive training and demonstrate their understanding on the proper application of force.
 - B. Training topics will include use of force, conflict prevention, conflict resolution and negotiation and de-escalation techniques and strategies to include interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.
- XII. Policy Accessible By The Public
 A. This policy will be conspicuously displayed on the Town of Tonawanda Police Department's website.

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TOWN OF TONAWANDA POLICE DEPARTMENT

0519111

GENERAL



ORDER

0-37 USE OF FORCE (10/29/19)Rev.

The purpose of this policy is to provide Town of Tonawanda Law Enforcement Officers with guidelines for the use of physical and deadly physical force.

This policy is not intended to endorse or prohibit any particular tactic, technique, or method of employing force. Separate policy guidance and training should be provided for each of the available force instrumentalities made available to officers.

TI. Policy It is the policy of the Town of Tonawanda Police Department to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others: "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer at the scene, rather than with the 20/20 vision of hindsight...the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them." (Graham v. Connor, 490 U.S. 386 (1989))

This policy is written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires a careful balancing of all interests.

III. Definitions

- Objectively Reasonable An objective standard used to judge an officer's actions. Under this standard a particular application of force must be judged through the Α. perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.
- Physical Force Any use of force other than that which is considered deadly force B. that involves physical effort to control, restrain, or overcome the resistance of another, prevent the escape of a person from custody, or in defense of one's self or another.
- Deadly Physical Force Physical force which, under the circumstances in which it C. is used, is readily capable of causing death or other serious physical injury.
- Physical Injury Impairment of physical condition or substantial pain. D.
- Serious Physical Injury Physical Injury which creates a substantial risk of F. . death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
- De-escalation Taking action or communicating verbally or non-verbally during a F. potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
- Exigent Circumstances Those circumstances that would cause a reasonable person G. to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

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Document 1-15 SCEF DOC.

TOWN OF TONAWANDA POLICE DEPARTMENT





ORDER

0-37 USE OF FORCE Cont. (10/29/19)Rev.

Use of Force TV.

- In general terms, force is authorized to be used when necessary to effect a lawful Α. arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.
- Under the 4th Amendment, a police officer may only use such force as is "objectively reasonable" under the circumstances. The reasonableness of a В. particular use of force must be judged from the perspective of a reasonable officer on the scene.

Determining the Objective Reasonableness of Force V.

- When used, force should be only that which is reasonable and necessary given the circumstances perceived by the officer at the time of the event. Α.
- B.Factors that should be used in determining the reasonableness of force include, but are not limited to:
 - The severity of the crime or circumstance; 1.
 - 2. The level and immediacy of threat or resistance posed by the suspect;
 - 3. The potential for injury to citizens, officers and suspects;
 - The risk or attempt of the suspect to escape;
 - 5. The knowledge, training, and experience of the officer;
 - Officer/subject considerations such as age, size, relative strength, 6. skill level, injury or exhaustion, and the number of officers or subjects present;
 - 7. The effects of drugs and/or alcohol on a subject;
 - 8. The mental state or capacity of a subject;
 - 9. Other environmental conditions or exigent circumstances.

VI. Duty to Intervene

- Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- An officer who observes another officer use force that exceeds the degree of force as described in subdivision A of this section should promptly report these B . observations to a supervisor.

Use of Deadly Physical Force VII.

Deadly physical force may be used by an officer to protect themselves or another A. person from what the officer reasonably believes is an imminent threat of serious physical injury or death.

TOWN OF TONAWANDA POLICE DEPARTMENT



USE OF FORCE - Cont. (06/25/20)

- Deadly physical force may be used to stop a fleeing suspect where:
 - 1. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
 - The officer reasonably believes that the suspect poses an imminent 2. threat of serious physical injury to the officer or others.
 - 3. Where feasible, some warning should be given prior to the use of deadly physical force.

VIII. Prohibited Use of Force

- A. Force shall not be used by an officer for the following reasons:
 - To extract an item from the body or a cavity of a subject without a 7. warrant, except where exigent circumstances are present;
 - 2. To coerce a confession from a subject in custody;
 - .3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;
 - 4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.
- R. Deadly force shall not be used against persons whose actions are a threat only to themselves or property.
- Firearms shall not be discharged at a moving vehicle except in the following C.exigent circumstances:
 - A person in the vehicle is threatening the officer or another person with deadly force other than the vehicle; or
 - The vehicle is operated in a manner deliberately intended to strike 2. an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
- Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for D. this use of deadly force.
- A police officer is not permitted to carry or use authorized weapons unless qualified in their use as per department standard unless exigent circumstance E. exists.
- The use of a chokehold or similar restraint that applies pressure to the throat or F. windpipe of a person in a manner that may hinder breathing or reduce intake of air is prohibited, except in those situations where the use of deadly physical force is authorized.
- If an exigent circumstance exists that poses an imminent threat to the safety of the officers or the public requiring the immediate use of an improvised weapon of G. opportunity, the officer may use the weapon. In such circumstances, the use of an improvised device or method must be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.
- Н. Warning shots are prohibited.

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TOWN OF TONAWANDA POLICE DEPARTMENT



O-37 USE OF FORCE - Cont. (06/25/20) Rev

IX. Reporting and Reviewing the Use of Force
Any member of this department who discharges his or her weapon while on or off duty under circumstances wherein a person could be struck by a bullet from the weapon, including situations wherein such officer discharges his or her weapon in the direction of a person, shall verbally report the incident to a supervisor within six (6) hours of the occurrence of the incident and shall prepare and file a written report of the incident within forty-eight (48) hours of the occurrence of the incident. Nothing contained in this section shall prevent any officer from invoking his or her constitutional right to avoid self-incrimination.

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- A. Any injuries resulting from a use of force incident shall result in the appropriate and timely medical attention being provided to the injured party.
- B. The officer should articulate the factors perceived and why he/she believed the use of force was objectively reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.
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 - A. A supervisor should respond to the scene to begin the preliminary force investigation.
 - B. A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in the use of force and should document all officers present at the time the force or alleged force was used.
 - C. Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
 - D. Any and all reports related to the use of force shall be forwarded through the proper chain of command. The Captain of the platoon or bureau that the officer using force reports to will review the supervisor's report and conduct an investigation if appropriate. Officers using force that does not adhere to the use of force guidelines will have their actions addressed in accordance with the protocols set forth in the Town of Tonawanda Policies and Procedures manual.
 - E. The Chief of Police, or his designee, will ensure ALL use of force incidents are recorded on the agency's use of force tracking spreadsheet.
 - F. The Chief of Police, or his designee, will ensure use of force incidents, which meet the parameters, are reported to the Department of Criminal Justice Services (DCJS) through the method of reporting established by DCJS.
 - G. For purposes of this section, a supervisor shall be defined as an officer holding the official rank of Lieutenant or above.
- XI. <u>Training</u>
 - A. All officers will receive training and demonstrate their understanding on the proper application of force.
 - B. Training topics will include use of force, conflict prevention, conflict resolution and negotiation and de-escalation techniques and strategies to include interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.
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Town of Tonawanda Complaint List

Date Range: 07/30/2017 - 08/30/2020 Report Date: 9/29/2021

Report Date: 9/29/2021					
Complaint	Date	9	Call Type	Address	
17-730322	07/30/2017	02:57:15	4803 - PREMISES CHECK	535 KENMORE AV	
17-730441	07/31/2017	01:40:20	5099 - DISTURBANCE OTHER	535 KENMORE AV	
17-730462	07/31/2017	03:29:34	4803 - PREMISES CHECK	535 KENMORE AV	
17-730470	07/31/2017	04:43:05	4803 - PREMISES CHECK	535 KENMORE AV	
17-730756	08/02/2017	01:58:45	4803 - PREMISES CHECK	535 KENMORE AV	
17-730773	08/02/2017	04:06:41	3464 - SUSPICIOUS PERSON	535 KENMORE AV	
17-730885	08/03/2017	01:24:02	4803 - PREMISES CHECK	535 KENMORE AV	
17-731044	08/04/2017	01:12:02	4803 - PREMISES CHECK	535 KENMORE AV	
17-731206	08/05/2017	03:21:26	4803 - PREMISES CHECK	535 KENMORE AV	
17-731342	08/06/2017	01:38:20	4803 - PREMISES CHECK	535 KENMORE AV	
17-731462	08/07/2017	01:18:01	4803 - PREMISES CHECK	535 KENMORE AV	
17-731480	08/07/2017	02:58:15	4803 - PREMISES CHECK	535 KENMORE AV	
17-731555	08/07/2017	16:28:28	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV	
17-731790	08/09/2017	08:33:51	4803 - PREMISES CHECK	535 KENMORE AV	
17-731850	08/09/2017	17:09:43	4803 - PREMISES CHECK	535 KENMORE AV	
17-731862	08/09/2017	18:42:18	3002 - RECKLESS OPERATION	535 KENMORE AV	
17-731868	08/09/2017	19:28:43	2708 - FALSE ALARM - BUSINESS - HUMAN	N ERR447 KENMORE AV	
17-731892	08/09/2017	23:15:26	1201 - UNWELCOME GUEST	535 KENMORE AV	
17-731902	08/10/2017	02:22:23	4803 - PREMISES CHECK	535 KENMORE AV	
17-732065	08/11/2017	02:49:23	4803 - PREMISES CHECK	535 KENMORE AV	
17-732114	08/11/2017	11:51:41	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV	
17-732214	08/12/2017	03:10:17	4803 - PREMISES CHECK	535 KENMORE AV	
17-732274	08/12/2017	16:25:56	3099 - TRAFFIC INFRACTION - OTHER	559 KENMORE AV	
17-732306	08/12/2017	21:47:26	4803 - PREMISES CHECK	535 KENMORE AV	
17-732347	08/13/2017	04:49:12	4803 - PREMISES CHECK	535 KENMORE AV	
17-732477	08/14/2017	06:54:48	4803 - PREMISES CHECK	535 KENMORE AV	
17-732611	08/15/2017	02:40:00	4803 - PREMISES CHECK	535 KENMORE AV	
17-732787	08/16/2017	04:13:21	4803 - PREMISES CHECK	535 KENMORE AV	
17-732953	08/17/2017	08:14:09	4803 - PREMISES CHECK	535 KENMORE AV	
17-733052	08/18/2017	00:41:57	1606 - LARCENY-BICYCLES	535 KENMORE AV	
17-733230	08/19/2017	04:44:57	4803 - PREMISES CHECK	535 KENMORE AV	
17-733246	08/19/2017	08:48:04	4504 - EMS	535 KENMORE AV	
17-733260	08/19/2017	10:27:43	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV	
17-733343	08/20/2017	01:23:55	4803 - PREMISES CHECK	535 KENMORE AV	
17-733391	08/20/2017	11:13:37	4902 - ACCIDENT INJURY	535 KENMORE AV	
17-733477	08/21/2017	01:18:43	4803 - PREMISES CHECK	535 KENMORE AV	
17-733488	08/21/2017	02:40:58	4803 - PREMISES CHECK	535 KENMORE AV	
17-733630	08/22/2017	01:12:43	4803 - PREMISES CHECK	535 KENMORE AV	

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Complaint	Date)	Call Type	Address
17-733664	08/22/2017	05:37:52	3464 - SUSPICIOUS PERSON	535 KENMORE AV
17-733689	08/22/2017	10:40:19	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
17-733808	08/23/2017	04:52:50	4803 - PREMISES CHECK	535 KENMORE AV
17-733931	08/24/2017	02:06:02	4803 - PREMISES CHECK	535 KENMORE AV
17-734078	08/25/2017	06:18:25	4803 - PREMISES CHECK	535 KENMORE AV
17-734119	08/25/2017	12:42:16	1010 - REPOSSESSED AUTO	487 KENMORE AV
17-734211	08/26/2017	03:18:24	4803 - PREMISES CHECK	535 KENMORE AV
17-734248	08/26/2017	10:46:23	1000 - UUV	535 KENMORE AV
17-734363	08/27/2017	05:06:29	4803 - PREMISES CHECK	535 KENMORE AV
17-734372	08/27/2017	07:00:29	4803 - PREMISES CHECK	535 KENMORE AV
17-734497	08/28/2017	04:13:08	4803 - PREMISES CHECK	535 KENMORE AV
17-734517	08/28/2017	08:47:52	1902 - CRIMINAL MISCHIEF	487 KENMORE AV
17-734564	08/28/2017	15:34:57	5099 - DISTURBANCE OTHER	535 KENMORE AV
17-734610	08/28/2017	23:18:39	5007 - CUSTOMER TROUBLE	535 KENMORE AV
17-734633	08/29/2017	03:04:48	4803 - PREMISES CHECK	535 KENMORE AV
17-734645	08/29/2017	04:06:50	4803 - PREMISES CHECK	487 KENMORE AV
17-734756	08/30/2017	00:57:30	4803 - PREMISES CHECK	535 KENMORE AV
17-734764	08/30/2017	01:28:03	4803 - PREMISES CHECK	535 KENMORE AV
17-734941	08/31/2017	06:56:02	4803 - PREMISES CHECK	535 KENMORE AV
17-735036	08/31/2017	19:03:03	3099 - TRAFFIC INFRACTION - OTHER	501 KENMORE AV
17-735174	09/01/2017	16:43:35	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
17-735193	09/01/2017	19:12:01	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
17-735222	09/02/2017	02:10:37	4803 - PREMISES CHECK	535 KENMORE AV
17-735237	09/02/2017	04:06:11	4803 - PREMISES CHECK	535 KENMORE AV
17-735290	09/02/2017	14:40:22	2708 - FALSE ALARM - BUSINESS - HUMAN	I ERR447 KENMORE AV
17-735369	09/03/2017	04:06:02	4508 - ASSIST PERSON	535 KENMORE AV
17-735494	09/04/2017	03:51:56	4803 - PREMISES CHECK	535 KENMORE AV
17-735501	09/04/2017	04:16:15	4803 - PREMISES CHECK	535 KENMORE AV
17-735559	09/04/2017	14:17:04	4803 - PREMISES CHECK	447 KENMORE AV
17-735583	09/04/2017	17:51:02	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
17-735587	09/04/2017	18:49:20	3099 - TRAFFIC INFRACTION - OTHER	563 KENMORE AV
17-735591	09/04/2017	19:05:37	3099 - TRAFFIC INFRACTION - OTHER	465 KENMORE AV
17-735620	09/05/2017	00:42:15	4803 - PREMISES CHECK	447 KENMORE AV
17-735787	09/06/2017	01:20:51	4803 - PREMISES CHECK	535 KENMORE AV
17-735885	09/06/2017	17:08:38	3099 - TRAFFIC INFRACTION - OTHER	589 KENMORE AV
17-735931	09/07/2017	01:12:55	4803 - PREMISES CHECK	535 KENMORE AV
17-735939	09/07/2017	02:34:49	4803 - PREMISES CHECK	535 KENMORE AV
17-736046	09/07/2017	18:16:13	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
17-736107	09/08/2017	03:06:05	4803 - PREMISES CHECK	535 KENMORE AV
17-736272	09/09/2017	04:10:28	4803 - PREMISES CHECK	535 KENMORE AV
17-736333	09/09/2017	18:44:16	3099 - TRAFFIC INFRACTION - OTHER	501 KENMORE AV
17-736399	09/10/2017	03:44:11	4803 - PREMISES CHECK	535 KENMORE AV
17-736433	09/10/2017	14:39:44	3438 - HARASSMENT	535 KENMORE AV
17-736490	09/11/2017	00:37:40	4803 - PREMISES CHECK	535 KENMORE AV
17-736652	09/12/2017	00:59:23	4803 - PREMISES CHECK	535 KENMORE AV

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Complaint	Date)	Call Type	Address
17-736795	09/13/2017	01:12:39	4803 - PREMISES CHECK	535 KENMORE AV
17-736967	09/14/2017	03:06:17	4803 - PREMISES CHECK	535 KENMORE AV
17-737041	09/14/2017	17:29:14	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
17-737053	09/14/2017	18:13:35	4514 - CHECK WELFARE	535 KENMORE AV
17-737121	09/15/2017	04:50:55	4803 - PREMISES CHECK	535 KENMORE AV
17-737239	09/16/2017	00:14:20	4803 - PREMISES CHECK	535 KENMORE AV
17-737271	09/16/2017	03:24:30	1902 - CRIMINAL MISCHIEF	535 KENMORE AV
17-737303	09/16/2017	09:34:56	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
17-737404	09/17/2017	02:49:42	4803 - PREMISES CHECK	535 KENMORE AV
17-737415	09/17/2017	05:34:56	4803 - PREMISES CHECK	535 KENMORE AV
17-737525	09/18/2017	03:56:27	4803 - PREMISES CHECK	535 KENMORE AV
17-737536	09/18/2017	06:48:50	4803 - PREMISES CHECK	535 KENMORE AV
17-737650	09/19/2017	01:34:53	4803 - PREMISES CHECK	535 KENMORE AV
17-737663	09/19/2017	02:56:21	4803 - PREMISES CHECK	535 KENMORE AV
17-737788	09/20/2017	00:08:17	4803 - PREMISES CHECK	535 KENMORE AV
17-738150	09/22/2017	02:14:41	4803 - PREMISES CHECK	535 KENMORE AV
17-738166	09/22/2017	04:00:02	4803 - PREMISES CHECK	535 KENMORE AV
17-738466	09/24/2017	03:56:58	4803 - PREMISES CHECK	535 KENMORE AV
17-738588	09/25/2017	02:06:18	4803 - PREMISES CHECK	535 KENMORE AV
17-738721	09/26/2017	00:12:22	4803 - PREMISES CHECK	535 KENMORE AV
17-738744	09/26/2017	03:23:13	4803 - PREMISES CHECK	535 KENMORE AV
17-738839	09/26/2017	17:53:25	3107 - DRUGS-OTHER	535 KENMORE AV
17-738907	09/27/2017	02:48:09	4803 - PREMISES CHECK	535 KENMORE AV
17-739018	09/27/2017	22:22:14	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
17-739048	09/28/2017	01:35:26	4803 - PREMISES CHECK	535 KENMORE AV
17-739050	09/28/2017	01:40:29	3004 - SPEEDING	487 KENMORE AV
17-739253	09/29/2017	11:54:28	4508 - ASSIST PERSON	487 KENMORE AV
17-739305	09/29/2017	22:37:59	4803 - PREMISES CHECK	535 KENMORE AV
17-739317	09/30/2017	00:49:54	4803 - PREMISES CHECK	535 KENMORE AV
17-739320	09/30/2017	01:01:51	4803 - PREMISES CHECK	535 KENMORE AV
17-739570	10/02/2017	01:42:38	4803 - PREMISES CHECK	535 KENMORE AV
17-739581	10/02/2017	02:29:07	4803 - PREMISES CHECK	535 KENMORE AV
17-739615	10/02/2017	08:05:48	2700 - FALSE ALARM (NOT FIRE)	535 KENMORE AV
17-739880	10/04/2017	00:37:01	4803 - PREMISES CHECK	535 KENMORE AV
17-739917	10/04/2017	07:01:08	5007 - CUSTOMER TROUBLE	535 KENMORE AV
17-740027	10/05/2017	01:14:15	4803 - PREMISES CHECK	535 KENMORE AV
17-740088	10/05/2017	12:25:54	2708 - FALSE ALARM - BUSINESS - HUMAN E	ERR447 KENMORE AV
17-740252	10/06/2017	17:07:09	4514 - CHECK WELFARE	447 KENMORE AV
17-740323	10/07/2017	02:52:54	4803 - PREMISES CHECK	535 KENMORE AV
17-740417	10/07/2017	21:49:29	3099 - TRAFFIC INFRACTION - OTHER	559 KENMORE AV
17-740443	10/08/2017	01:59:50	4803 - PREMISES CHECK	535 KENMORE AV
17-740574	10/09/2017	03:32:39	4803 - PREMISES CHECK	535 KENMORE AV
17-740667	10/09/2017	18:18:22	3009 - PARKING VIOLATION / COMPLAINT	535 KENMORE AV
17-740717	10/10/2017	01:39:45	4803 - PREMISES CHECK	535 KENMORE AV
17-740733	10/10/2017	02:56:42	4803 - PREMISES CHECK	535 KENMORE AV
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Complaint	Date)	Call Type	Address
17-740823	10/10/2017	17:02:55	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
17-740895	10/11/2017	05:01:48	4000 - MENTAL / COMMITMENT	535 KENMORE AV
17-741027	10/12/2017	03:30:07	4803 - PREMISES CHECK	535 KENMORE AV
17-741130	10/13/2017	00:57:40	4803 - PREMISES CHECK	535 KENMORE AV
17-741271	10/14/2017	01:45:03	4803 - PREMISES CHECK	535 KENMORE AV
17-741431	10/15/2017	04:28:42	4803 - PREMISES CHECK	535 KENMORE AV
17-741556	10/16/2017	02:00:20	4803 - PREMISES CHECK	535 KENMORE AV
17-741558	10/16/2017	02:16:30	4803 - PREMISES CHECK	535 KENMORE AV
17-741571	10/16/2017	03:49:22	4803 - PREMISES CHECK	535 KENMORE AV
17-741714	10/17/2017	01:36:09	4803 - PREMISES CHECK	535 KENMORE AV
17-741892	10/18/2017	02:06:23	4803 - PREMISES CHECK	535 KENMORE AV
17-742006	10/18/2017	20:06:47	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
17-742029	10/19/2017	01:14:14	4803 - PREMISES CHECK	535 KENMORE AV
17-742045	10/19/2017	02:12:36	4803 - PREMISES CHECK	535 KENMORE AV
17-742141	10/19/2017	19:54:10	2706 - FALSE ALARM - UNINTENTIONAL	401 KENMORE AV
17-742170	10/20/2017	02:25:33	4803 - PREMISES CHECK	535 KENMORE AV
17-742346	10/21/2017	04:11:59	4803 - PREMISES CHECK	535 KENMORE AV
17-742407	10/21/2017	13:40:00	1200 - TRESPASS	535 KENMORE AV
17-742472	10/22/2017	00:38:16	4803 - PREMISES CHECK	535 KENMORE AV
17-742611	10/23/2017	02:48:03	4803 - PREMISES CHECK	535 KENMORE AV
17-742704	10/23/2017	18:53:02	2705 - FALSE ALARM - MALFUNCTION	501 KENMORE AV
17-742760	10/24/2017	04:40:19	4803 - PREMISES CHECK	535 KENMORE AV
17-742861	10/25/2017	00:54:09	4803 - PREMISES CHECK	535 KENMORE AV
17-743007	10/26/2017	03:30:42	4803 - PREMISES CHECK	535 KENMORE AV
17-743117	10/26/2017	19:52:23	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
17-743275	10/28/2017	00:33:04	4803 - PREMISES CHECK	535 KENMORE AV
17-743348	10/28/2017	16:22:35	2708 - FALSE ALARM - BUSINESS - HUMAN	ERR465 KENMORE AV
17-743519	10/30/2017	01:34:31	4803 - PREMISES CHECK	535 KENMORE AV
17-743561	10/30/2017	11:22:52	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
17-743625	10/31/2017	02:06:31	4803 - PREMISES CHECK	535 KENMORE AV
17-743741	11/01/2017	00:22:39	4803 - PREMISES CHECK	535 KENMORE AV
17-743749	11/01/2017	00:58:53	5007 - CUSTOMER TROUBLE	535 KENMORE AV
17-743908	11/02/2017	01:21:02	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
17-743915	11/02/2017	02:00:08	4803 - PREMISES CHECK	535 KENMORE AV
17-743964	11/02/2017	10:54:34	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
17-744045	11/03/2017	01:14:42	4803 - PREMISES CHECK	535 KENMORE AV
17-744186	11/04/2017	01:18:56	4803 - PREMISES CHECK	535 KENMORE AV
17-744309	11/05/2017	00:15:15	5007 - CUSTOMER TROUBLE	535 KENMORE AV
17-744382	11/05/2017	16:29:15	4501 - ASSIST OTHER POLICE	535 KENMORE AV
17-744431	11/06/2017	01:15:35	4803 - PREMISES CHECK	535 KENMORE AV
17-744540	11/06/2017	17:17:15	4504 - EMS	535 KENMORE AV
17-744557	11/06/2017	19:39:21	4803 - PREMISES CHECK	535 KENMORE AV
17-744596	11/07/2017	01:24:51	4803 - PREMISES CHECK	535 KENMORE AV
17-744602	11/07/2017	01:47:09	4803 - PREMISES CHECK	535 KENMORE AV
17-744741	11/08/2017	00:31:12	4803 - PREMISES CHECK	535 KENMORE AV

Complaint	Date)	Call Type	Address
17-744763	11/08/2017	02:59:50	4803 - PREMISES CHECK	535 KENMORE AV
17-744896	11/09/2017	00:26:52	4803 - PREMISES CHECK	535 KENMORE AV
17-745022	11/09/2017	22:43:42	4803 - PREMISES CHECK	535 KENMORE AV
17-745063	11/10/2017	03:38:19	4803 - PREMISES CHECK	535 KENMORE AV
17-745181	11/11/2017	01:33:16	4803 - PREMISES CHECK	535 KENMORE AV
17-745419	11/13/2017	00:49:05	4803 - PREMISES CHECK	535 KENMORE AV
17-745584	11/14/2017	02:23:23	4803 - PREMISES CHECK	535 KENMORE AV
17-745722	11/15/2017	00:56:05	4803 - PREMISES CHECK	535 KENMORE AV
17-745851	11/15/2017	22:35:49	4803 - PREMISES CHECK	535 KENMORE AV
17-745888	11/16/2017	03:36:31	4803 - PREMISES CHECK	535 KENMORE AV
17-746006	11/16/2017	22:17:27	4803 - PREMISES CHECK	535 KENMORE AV
17-746020	11/17/2017	00:53:16	4803 - PREMISES CHECK	535 KENMORE AV
17-746033	11/17/2017	01:29:32	4803 - PREMISES CHECK	535 KENMORE AV
17-746230	11/18/2017	11:19:53	4803 - PREMISES CHECK	535 KENMORE AV
17-746247	11/18/2017	14:48:40	5007 - CUSTOMER TROUBLE	535 KENMORE AV
17-746269	11/18/2017	19:04:01	4802 - ALARM ACTIVATED / ALARM RINGING	447 KENMORE AV
17-746314	11/19/2017	01:47:43	4803 - PREMISES CHECK	535 KENMORE AV
17-746323	11/19/2017	02:18:45	4803 - PREMISES CHECK	535 KENMORE AV
17-746450	11/20/2017	02:47:42	3099 - TRAFFIC INFRACTION - OTHER	465 KENMORE AV
17-746454	11/20/2017	03:06:38	4803 - PREMISES CHECK	535 KENMORE AV
17-746595	11/20/2017	22:36:35	4803 - PREMISES CHECK	535 KENMORE AV
17-746629	11/21/2017	02:49:04	4803 - PREMISES CHECK	535 KENMORE AV
17-746643	11/21/2017	04:04:09	4803 - PREMISES CHECK	535 KENMORE AV
17-746778	11/22/2017	01:18:24	4803 - PREMISES CHECK	535 KENMORE AV
17-746886	11/23/2017	01:21:00	4803 - PREMISES CHECK	535 KENMORE AV
17-746964	11/24/2017	01:29:03	4803 - PREMISES CHECK	535 KENMORE AV
17-746985	11/24/2017	03:48:00	4803 - PREMISES CHECK	535 KENMORE AV
17-747016	11/24/2017	13:15:42	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
17-747082	11/25/2017	00:19:10	4803 - PREMISES CHECK	535 KENMORE AV
17-747186	11/25/2017	19:07:47	4803 - PREMISES CHECK	535 KENMORE AV
17-747230	11/26/2017	02:16:07	4803 - PREMISES CHECK	535 KENMORE AV
17-747242	11/26/2017	04:40:24	4803 - PREMISES CHECK	535 KENMORE AV
17-747323	11/26/2017	21:38:20	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
17-747364	11/27/2017	02:27:20	4803 - PREMISES CHECK	535 KENMORE AV
17-747519	11/28/2017	05:10:02	4803 - PREMISES CHECK	535 KENMORE AV
17-747622	11/28/2017	20:30:54	5007 - CUSTOMER TROUBLE	535 KENMORE AV
17-747658	11/29/2017	03:22:52	4803 - PREMISES CHECK	535 KENMORE AV
17-747787	11/30/2017	02:12:02	4803 - PREMISES CHECK	535 KENMORE AV
17-747795	11/30/2017	03:48:59	4803 - PREMISES CHECK	535 KENMORE AV
17-747897	12/01/2017	01:46:17	4803 - PREMISES CHECK	535 KENMORE AV
17-747909	12/01/2017	02:52:15	4803 - PREMISES CHECK	535 KENMORE AV
17-748073	12/02/2017	02:40:03	4803 - PREMISES CHECK	535 KENMORE AV
17-748112	12/02/2017	10:48:11	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
17-748223	12/03/2017	04:06:46	4803 - PREMISES CHECK	535 KENMORE AV
17-748369	12/04/2017	05:12:43	4803 - PREMISES CHECK	535 KENMORE AV
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17-748473	12/04/2017	21:59:00	4803 - PREMISES CHECK	535 KENMORE AV
17-748503	12/05/2017	01:36:56	4803 - PREMISES CHECK	535 KENMORE AV
17-748560	12/05/2017	15:14:28	4803 - PREMISES CHECK	535 KENMORE AV
17-748579	12/05/2017	17:52:15	4803 - PREMISES CHECK	535 KENMORE AV
17-748625	12/06/2017	01:45:03	4803 - PREMISES CHECK	535 KENMORE AV
17-748744	12/07/2017	01:38:03	4803 - PREMISES CHECK	535 KENMORE AV
17-748762	12/07/2017	03:37:13	4803 - PREMISES CHECK	535 KENMORE AV
17-748794	12/07/2017	09:54:30	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
17-748812	12/07/2017	12:04:30	4803 - PREMISES CHECK	535 KENMORE AV
17-748832	12/07/2017	15:36:02	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
17-748840	12/07/2017	16:31:13	4504 - EMS	535 KENMORE AV
17-748848	12/07/2017	19:05:58	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
17-748875	12/08/2017	00:46:49	4803 - PREMISES CHECK	535 KENMORE AV
17-748979	12/08/2017	20:11:47	4803 - PREMISES CHECK	535 KENMORE AV
17-749036	12/09/2017	03:52:37	4803 - PREMISES CHECK	535 KENMORE AV
17-749108	12/09/2017	16:42:39	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
17-749183	12/10/2017	03:36:03	4803 - PREMISES CHECK	535 KENMORE AV
17-749285	12/11/2017	01:41:06	4803 - PREMISES CHECK	535 KENMORE AV
17-749336	12/11/2017	11:45:55	4901 - ACCIDENT PDO	401 KENMORE AV
17-749404	12/12/2017	00:50:18	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
17-749547	12/13/2017	02:07:45	4803 - PREMISES CHECK	535 KENMORE AV
17-749566	12/13/2017	04:46:04	4803 - PREMISES CHECK	535 KENMORE AV
17-749712	12/14/2017	03:25:37	4803 - PREMISES CHECK	535 KENMORE AV
17-749851	12/15/2017	03:40:05	4803 - PREMISES CHECK	535 KENMORE AV
17-749860	12/15/2017	05:25:11	4803 - PREMISES CHECK	535 KENMORE AV
17-749992	12/16/2017	01:56:33	4803 - PREMISES CHECK	535 KENMORE AV
17-750161	12/17/2017	01:32:01	4803 - PREMISES CHECK	535 KENMORE AV
17-750257	12/18/2017	01:08:57	4803 - PREMISES CHECK	535 KENMORE AV
17-750281	12/18/2017	04:56:08	4803 - PREMISES CHECK	535 KENMORE AV
17-750596	12/20/2017	03:14:46	4803 - PREMISES CHECK	535 KENMORE AV
17-750619	12/20/2017	07:14:12	2708 - FALSE ALARM - BUSINESS - HUMAN	ERR465 KENMORE AV
17-750731	12/21/2017	00:59:36	4803 - PREMISES CHECK	535 KENMORE AV
17-750875	12/22/2017	00:45:54	4803 - PREMISES CHECK	535 KENMORE AV
17-750895	12/22/2017	03:11:41	4508 - ASSIST PERSON	535 KENMORE AV
17-751030	12/23/2017	04:58:59	4803 - PREMISES CHECK	535 KENMORE AV
17-751131	12/24/2017	01:40:01	4803 - PREMISES CHECK	535 KENMORE AV
17-751248	12/25/2017	04:42:39	4803 - PREMISES CHECK	535 KENMORE AV
17-751333	12/26/2017	00:40:29	4803 - PREMISES CHECK	535 KENMORE AV
17-751335	12/26/2017	01:37:31	4803 - PREMISES CHECK	535 KENMORE AV
17-751507	12/27/2017	04:03:25	4803 - PREMISES CHECK	535 KENMORE AV
17-751793	12/29/2017	01:58:56	4803 - PREMISES CHECK	535 KENMORE AV
17-752055	12/31/2017	02:09:31	4803 - PREMISES CHECK	535 KENMORE AV
17-752071	12/31/2017	04:55:07	4803 - PREMISES CHECK	535 KENMORE AV
17-752094	12/31/2017	09:36:55	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
17-752108	12/31/2017	11:43:15	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV

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18-800287	01/02/2018	22:06:43	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
18-800310	01/03/2018	01:21:58	4803 - PREMISES CHECK	535 KENMORE AV
18-800332	01/03/2018	03:44:36	4803 - PREMISES CHECK	535 KENMORE AV
18-800362	01/03/2018	11:25:32	1701 - ROBBERY ARMED	447 KENMORE AV
18-800410	01/03/2018	17:43:16	4803 - PREMISES CHECK	535 KENMORE AV
18-800490	01/04/2018	03:35:26	4803 - PREMISES CHECK	535 KENMORE AV
18-800633	01/05/2018	00:12:54	4803 - PREMISES CHECK	535 KENMORE AV
18-800667	01/05/2018	03:20:40	4803 - PREMISES CHECK	535 KENMORE AV
18-800816	01/06/2018	02:30:37	5102 - PROPERTY FOUND	535 KENMORE AV
18-800856	01/06/2018	09:57:01	4803 - PREMISES CHECK	535 KENMORE AV
18-801069	01/07/2018	21:42:21	4803 - PREMISES CHECK	535 KENMORE AV
18-801076	01/07/2018	22:29:47	4803 - PREMISES CHECK	535 KENMORE AV
18-801083	01/08/2018	00:09:12	4803 - PREMISES CHECK	535 KENMORE AV
18-801118	01/08/2018	02:05:19	4803 - PREMISES CHECK	535 KENMORE AV
18-801133	01/08/2018	03:22:27	4803 - PREMISES CHECK	535 KENMORE AV
18-801271	01/08/2018	23:12:31	4803 - PREMISES CHECK	535 KENMORE AV
18-801275	01/09/2018	00:35:52	4803 - PREMISES CHECK	535 KENMORE AV
18-801287	01/09/2018	01:30:51	4803 - PREMISES CHECK	535 KENMORE AV
18-801320	01/09/2018	03:54:22	4803 - PREMISES CHECK	535 KENMORE AV
18-801361	01/09/2018	09:44:20	4803 - PREMISES CHECK	535 KENMORE AV
18-801371	01/09/2018	10:32:56	4803 - PREMISES CHECK	447 KENMORE AV
18-801480	01/10/2018	00:58:28	4803 - PREMISES CHECK	535 KENMORE AV
18-801482	01/10/2018	01:09:01	4803 - PREMISES CHECK	535 KENMORE AV
18-801543	01/10/2018	09:20:44	3099 - TRAFFIC INFRACTION - OTHER	559 KENMORE AV
18-801646	01/10/2018	23:30:35	4508 - ASSIST PERSON	535 KENMORE AV
18-801662	01/11/2018	01:12:22	4803 - PREMISES CHECK	535 KENMORE AV
18-801669	01/11/2018	01:49:38	4803 - PREMISES CHECK	535 KENMORE AV
18-801820	01/12/2018	00:57:26	4803 - PREMISES CHECK	535 KENMORE AV
18-802096	01/14/2018	01:39:47	4803 - PREMISES CHECK	535 KENMORE AV
18-802118	01/14/2018	04:14:03	4803 - PREMISES CHECK	535 KENMORE AV
18-802147	01/14/2018	09:15:14	4508 - ASSIST PERSON	535 KENMORE AV
18-802269	01/15/2018	03:22:06	4803 - PREMISES CHECK	535 KENMORE AV
18-802274	01/15/2018	03:48:20	4803 - PREMISES CHECK	535 KENMORE AV
18-802424	01/16/2018	01:46:24	4803 - PREMISES CHECK	535 KENMORE AV
18-802427	01/16/2018	02:03:59	4803 - PREMISES CHECK	535 KENMORE AV
18-802429	01/16/2018	02:13:21	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
18-802444	01/16/2018	05:25:20	4803 - PREMISES CHECK	535 KENMORE AV
18-802499	01/16/2018	13:12:14	4504 - EMS	535 KENMORE AV
18-802570	01/17/2018	01:36:28	4803 - PREMISES CHECK	535 KENMORE AV
18-802922	01/19/2018	04:25:16	4803 - PREMISES CHECK	535 KENMORE AV
18-803235	01/21/2018	02:10:14	4803 - PREMISES CHECK	535 KENMORE AV
18-803269	01/21/2018	10:50:09	4803 - PREMISES CHECK	535 KENMORE AV
18-803336	01/21/2018	23:05:40	4803 - PREMISES CHECK	535 KENMORE AV
18-803352	01/22/2018	00:36:25	4803 - PREMISES CHECK	535 KENMORE AV
18-803361	01/22/2018	01:02:44	4803 - PREMISES CHECK	535 KENMORE AV

Complaint	Date)	Call Type	Address
18-803392	01/22/2018	04:08:34	4803 - PREMISES CHECK	535 KENMORE AV
18-803398	01/22/2018	05:15:18	3099 - TRAFFIC INFRACTION - OTHER	465 KENMORE AV
18-803697	01/24/2018	00:53:19	4803 - PREMISES CHECK	535 KENMORE AV
18-803831	01/25/2018	01:47:35	4803 - PREMISES CHECK	535 KENMORE AV
18-803845	01/25/2018	03:14:12	4803 - PREMISES CHECK	535 KENMORE AV
18-803977	01/26/2018	00:55:48	4803 - PREMISES CHECK	535 KENMORE AV
18-803981	01/26/2018	01:07:16	4803 - PREMISES CHECK	535 KENMORE AV
18-804126	01/27/2018	01:33:57	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
18-804128	01/27/2018	01:43:58	4803 - PREMISES CHECK	535 KENMORE AV
18-804157	01/27/2018	04:23:24	4803 - PREMISES CHECK	535 KENMORE AV
18-804276	01/28/2018	00:52:31	4803 - PREMISES CHECK	535 KENMORE AV
18-804409	01/29/2018	00:52:41	4803 - PREMISES CHECK	535 KENMORE AV
18-804424	01/29/2018	01:58:58	4803 - PREMISES CHECK	535 KENMORE AV
18-804524	01/29/2018	16:20:33	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
18-804582	01/30/2018	02:08:40	4803 - PREMISES CHECK	535 KENMORE AV
18-804609	01/30/2018	04:34:03	4803 - PREMISES CHECK	535 KENMORE AV
18-804713	01/30/2018	22:24:18	4803 - PREMISES CHECK	535 KENMORE AV
18-804738	01/31/2018	00:48:02	4803 - PREMISES CHECK	535 KENMORE AV
18-804888	02/01/2018	00:11:29	4803 - PREMISES CHECK	535 KENMORE AV
18-804912	02/01/2018	02:39:43	4803 - PREMISES CHECK	535 KENMORE AV
18-805007	02/01/2018	21:45:08	4803 - PREMISES CHECK	535 KENMORE AV
18-805027	02/02/2018	00:58:29	4803 - PREMISES CHECK	535 KENMORE AV
18-805065	02/02/2018	04:59:15	4803 - PREMISES CHECK	535 KENMORE AV
18-805090	02/02/2018	09:58:15	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
18-805216	02/03/2018	06:49:52	4803 - PREMISES CHECK	535 KENMORE AV
18-805305	02/04/2018	00:26:40	4803 - PREMISES CHECK	535 KENMORE AV
18-805340	02/04/2018	02:39:31	4803 - PREMISES CHECK	535 KENMORE AV
18-805445	02/05/2018	01:59:01	4803 - PREMISES CHECK	535 KENMORE AV
18-805591	02/06/2018	01:41:48	4803 - PREMISES CHECK	535 KENMORE AV
18-805885	02/08/2018	00:21:34	4803 - PREMISES CHECK	535 KENMORE AV
18-805894	02/08/2018	00:57:24	4803 - PREMISES CHECK	535 KENMORE AV
18-806104	02/09/2018	04:59:30	4803 - PREMISES CHECK	535 KENMORE AV
18-806505	02/12/2018	04:24:30	4803 - PREMISES CHECK	535 KENMORE AV
18-806619	02/12/2018	20:47:31	2708 - FALSE ALARM - BUSINESS - HUMAN	ERR465 KENMORE AV
18-806650	02/13/2018	01:35:52	4803 - PREMISES CHECK	535 KENMORE AV
18-806792	02/13/2018	22:09:03	4803 - PREMISES CHECK	535 KENMORE AV
18-806804	02/14/2018	00:22:20	3464 - SUSPICIOUS PERSON	535 KENMORE AV
18-806806	02/14/2018	00:25:17	4803 - PREMISES CHECK	535 KENMORE AV
18-806812	02/14/2018	01:05:16	4803 - PREMISES CHECK	535 KENMORE AV
18-806820	02/14/2018	01:49:44	4803 - PREMISES CHECK	535 KENMORE AV
18-807140	02/16/2018	00:23:27	4803 - PREMISES CHECK	535 KENMORE AV
18-807153	02/16/2018	00:56:16	3099 - TRAFFIC INFRACTION - OTHER	593 KENMORE AV
18-807215	02/16/2018	10:55:02	4803 - PREMISES CHECK	447 KENMORE AV
18-807337	02/17/2018	06:21:16	4803 - PREMISES CHECK	535 KENMORE AV
18-807516	02/18/2018	10:21:18	3099 - TRAFFIC INFRACTION - OTHER	435 KENMORE AV

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18-807586	02/18/2018	23:03:27	4803 - PREMISES CHECK	535 KENMORE AV
18-807638	02/19/2018	02:57:52	4803 - PREMISES CHECK	535 KENMORE AV
18-807649	02/19/2018	05:17:25	4803 - PREMISES CHECK	535 KENMORE AV
18-807700	02/19/2018	13:46:29	4803 - PREMISES CHECK	535 KENMORE AV
18-807767	02/20/2018	00:40:03	4803 - PREMISES CHECK	535 KENMORE AV
18-807868	02/20/2018	15:18:34	3099 - TRAFFIC INFRACTION - OTHER	593 KENMORE AV
18-807891	02/20/2018	17:55:30	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
18-807928	02/21/2018	00:21:48	4803 - PREMISES CHECK	535 KENMORE AV
18-808064	02/22/2018	02:09:04	4803 - PREMISES CHECK	535 KENMORE AV
18-808078	02/22/2018	03:01:05	4803 - PREMISES CHECK	535 KENMORE AV
18-808234	02/23/2018	09:06:48	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-808253	02/23/2018	11:43:59	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-808301	02/23/2018	19:50:56	2703 - FALSE ALARM - ROBBERY	535 KENMORE AV
18-808362	02/24/2018	03:48:56	4803 - PREMISES CHECK	535 KENMORE AV
18-808477	02/24/2018	22:34:26	4803 - PREMISES CHECK	535 KENMORE AV
18-808495	02/25/2018	01:08:56	4803 - PREMISES CHECK	535 KENMORE AV
18-808627	02/25/2018	22:23:23	4803 - PREMISES CHECK	535 KENMORE AV
18-808662	02/26/2018	02:36:25	4803 - PREMISES CHECK	535 KENMORE AV
18-808663	02/26/2018	02:36:46	4814 - COMMUNITY POLICING	535 KENMORE AV
18-808801	02/27/2018	00:50:48	4803 - PREMISES CHECK	535 KENMORE AV
18-808836	02/27/2018	06:35:51	4803 - PREMISES CHECK	535 KENMORE AV
18-808867	02/27/2018	11:05:41	3099 - TRAFFIC INFRACTION - OTHER	465 KENMORE AV
18-808880	02/27/2018	12:56:50	2702 - FALSE ALARM - BURGLARY	535 KENMORE AV
18-809092	03/01/2018	00:42:56	4803 - PREMISES CHECK	535 KENMORE AV
18-809215	03/01/2018	21:28:05	4803 - PREMISES CHECK	535 KENMORE AV
18-809285	03/02/2018	10:39:34	4803 - PREMISES CHECK	535 KENMORE AV
18-809352	03/02/2018	21:54:39	4803 - PREMISES CHECK	535 KENMORE AV
18-809378	03/03/2018	01:30:04	4803 - PREMISES CHECK	535 KENMORE AV
18-809400	03/03/2018	03:34:01	4803 - PREMISES CHECK	535 KENMORE AV
18-809435	03/03/2018	10:40:03	3468 - UNKNOWN TROUBLE	571 KENMORE AV
18-809520	03/04/2018	01:38:08	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-809521	03/04/2018	01:38:22	4803 - PREMISES CHECK	535 KENMORE AV
18-809531	03/04/2018	02:06:13	4803 - PREMISES CHECK	535 KENMORE AV
18-809652	03/05/2018	03:10:45	4803 - PREMISES CHECK	535 KENMORE AV
18-809791	03/06/2018	01:44:35	4803 - PREMISES CHECK	535 KENMORE AV
18-809946	03/07/2018	01:11:46	4803 - PREMISES CHECK	535 KENMORE AV
18-809977	03/07/2018	04:33:12	4803 - PREMISES CHECK	535 KENMORE AV
18-810022	03/07/2018	12:03:53	4803 - PREMISES CHECK	535 KENMORE AV
18-810109	03/08/2018	00:37:09	4803 - PREMISES CHECK	535 KENMORE AV
18-810223	03/08/2018	17:52:11	4803 - PREMISES CHECK	535 KENMORE AV
18-810302	03/09/2018	06:14:20	4803 - PREMISES CHECK	535 KENMORE AV
18-810396	03/10/2018	01:18:35	4803 - PREMISES CHECK	535 KENMORE AV
18-810522	03/11/2018	00:33:58	4803 - PREMISES CHECK	535 KENMORE AV
18-810644	03/11/2018	22:21:49	4803 - PREMISES CHECK	535 KENMORE AV
18-810687	03/12/2018	02:27:52	4803 - PREMISES CHECK	535 KENMORE AV

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18-810819	03/13/2018	02:28:17	4803 - PREMISES CHECK	535 KENMORE AV
18-810868	03/13/2018	10:49:08	4803 - PREMISES CHECK	447 KENMORE AV
18-810960	03/14/2018	01:57:39	4803 - PREMISES CHECK	535 KENMORE AV
18-810986	03/14/2018	08:15:14	2702 - FALSE ALARM - BURGLARY	465 KENMORE AV
18-811086	03/15/2018	00:52:39	4803 - PREMISES CHECK	535 KENMORE AV
18-811116	03/15/2018	03:49:15	4803 - PREMISES CHECK	535 KENMORE AV
18-811134	03/15/2018	06:04:19	4803 - PREMISES CHECK	535 KENMORE AV
18-811260	03/16/2018	03:30:40	4803 - PREMISES CHECK	535 KENMORE AV
18-811276	03/16/2018	05:03:30	4803 - PREMISES CHECK	535 KENMORE AV
18-811384	03/17/2018	02:20:47	4803 - PREMISES CHECK	535 KENMORE AV
18-811514	03/18/2018	00:58:29	4803 - PREMISES CHECK	535 KENMORE AV
18-811648	03/19/2018	03:16:21	4803 - PREMISES CHECK	535 KENMORE AV
18-811755	03/20/2018	00:26:29	4803 - PREMISES CHECK	535 KENMORE AV
18-811912	03/21/2018	00:57:52	4803 - PREMISES CHECK	535 KENMORE AV
18-811947	03/21/2018	04:15:48	4803 - PREMISES CHECK	535 KENMORE AV
18-812104	03/22/2018	04:11:54	4803 - PREMISES CHECK	535 KENMORE AV
18-812224	03/23/2018	00:50:47	4803 - PREMISES CHECK	535 KENMORE AV
18-812252	03/23/2018	04:41:18	4803 - PREMISES CHECK	535 KENMORE AV
18-812360	03/24/2018	00:49:02	4803 - PREMISES CHECK	535 KENMORE AV
18-812404	03/24/2018	10:05:07	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
18-812513	03/25/2018	03:36:47	4803 - PREMISES CHECK	535 KENMORE AV
18-812643	03/26/2018	01:51:28	4803 - PREMISES CHECK	535 KENMORE AV
18-812663	03/26/2018	02:57:32	4803 - PREMISES CHECK	535 KENMORE AV
18-812740	03/26/2018	15:14:23	4803 - PREMISES CHECK	535 KENMORE AV
18-812769	03/26/2018	18:55:26	3099 - TRAFFIC INFRACTION - OTHER	501 KENMORE AV
18-812775	03/26/2018	20:32:03	4803 - PREMISES CHECK	535 KENMORE AV
18-812810	03/27/2018	01:46:11	4803 - PREMISES CHECK	535 KENMORE AV
18-812953	03/28/2018	01:02:39	4803 - PREMISES CHECK	535 KENMORE AV
18-812975	03/28/2018	03:01:39	4803 - PREMISES CHECK	535 KENMORE AV
18-812983	03/28/2018	03:24:34	4803 - PREMISES CHECK	535 KENMORE AV
18-812990	03/28/2018	03:54:14	4803 - PREMISES CHECK	535 KENMORE AV
18-813120	03/29/2018	01:47:46	4803 - PREMISES CHECK	535 KENMORE AV
18-813134	03/29/2018	03:47:58	4803 - PREMISES CHECK	535 KENMORE AV
18-813282	03/30/2018	01:39:55	4803 - PREMISES CHECK	535 KENMORE AV
18-813289	03/30/2018	01:59:35	4803 - PREMISES CHECK	535 KENMORE AV
18-813364	03/30/2018	14:48:55	1611 - LARCENY - SHOPLIFTING	535 KENMORE AV
18-813436	03/31/2018	02:43:07	4803 - PREMISES CHECK	535 KENMORE AV
18-813462	03/31/2018	05:16:35	4803 - PREMISES CHECK	535 KENMORE AV
18-813465	03/31/2018	05:44:25	4803 - PREMISES CHECK	535 KENMORE AV
18-813469	03/31/2018	06:34:55	2705 - FALSE ALARM - MALFUNCTION	447 KENMORE AV
18-813519	03/31/2018	18:47:25	4803 - PREMISES CHECK	535 KENMORE AV
18-813542	04/01/2018	00:39:38	4803 - PREMISES CHECK	535 KENMORE AV
18-813556	04/01/2018	01:42:42	4803 - PREMISES CHECK	535 KENMORE AV
18-813580	04/01/2018	03:44:12	4803 - PREMISES CHECK	535 KENMORE AV
18-813675	04/02/2018	00:38:21	4803 - PREMISES CHECK	535 KENMORE AV

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18-813696	04/02/2018	02:09:19	4803 - PREMISES CHECK	535 KENMORE AV
18-813808	04/02/2018	19:21:18	3099 - TRAFFIC INFRACTION - OTHER	501 KENMORE AV
18-813855	04/03/2018	01:20:42	4803 - PREMISES CHECK	535 KENMORE AV
18-813898	04/03/2018	05:53:00	4803 - PREMISES CHECK	535 KENMORE AV
18-813948	04/03/2018	15:19:05	4803 - PREMISES CHECK	535 KENMORE AV
18-814006	04/04/2018	00:39:16	4803 - PREMISES CHECK	535 KENMORE AV
18-814027	04/04/2018	02:10:09	4803 - PREMISES CHECK	535 KENMORE AV
18-814204	04/05/2018	00:52:29	4803 - PREMISES CHECK	535 KENMORE AV
18-814226	04/05/2018	03:24:56	4803 - PREMISES CHECK	535 KENMORE AV
18-814259	04/05/2018	11:18:48	4803 - PREMISES CHECK	535 KENMORE AV
18-814260	04/05/2018	11:51:07	3099 - TRAFFIC INFRACTION - OTHER	563 KENMORE AV
18-814292	04/05/2018	17:01:41	3099 - TRAFFIC INFRACTION - OTHER	465 KENMORE AV
18-814307	04/05/2018	19:18:13	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-814348	04/06/2018	01:38:25	4803 - PREMISES CHECK	535 KENMORE AV
18-814359	04/06/2018	02:52:17	4803 - PREMISES CHECK	535 KENMORE AV
18-814508	04/07/2018	02:56:33	4803 - PREMISES CHECK	535 KENMORE AV
18-814531	04/07/2018	08:51:14	4803 - PREMISES CHECK	535 KENMORE AV
18-814643	04/08/2018	03:28:38	4803 - PREMISES CHECK	535 KENMORE AV
18-814767	04/09/2018	03:12:02	4803 - PREMISES CHECK	535 KENMORE AV
18-814828	04/09/2018	13:07:59	4504 - EMS	501 KENMORE AV
18-814891	04/10/2018	01:01:51	4803 - PREMISES CHECK	535 KENMORE AV
18-815117	04/11/2018	12:42:04	4803 - PREMISES CHECK	535 KENMORE AV
18-815188	04/12/2018	01:44:22	4803 - PREMISES CHECK	535 KENMORE AV
18-815199	04/12/2018	03:20:18	4803 - PREMISES CHECK	535 KENMORE AV
18-815325	04/13/2018	00:50:20	4803 - PREMISES CHECK	535 KENMORE AV
18-815357	04/13/2018	04:02:28	4803 - PREMISES CHECK	535 KENMORE AV
18-815506	04/14/2018	05:13:46	4803 - PREMISES CHECK	535 KENMORE AV
18-815628	04/15/2018	02:30:01	4803 - PREMISES CHECK	535 KENMORE AV
18-815725	04/16/2018	00:53:10	4803 - PREMISES CHECK	535 KENMORE AV
18-815748	04/16/2018	01:40:36	4803 - PREMISES CHECK	535 KENMORE AV
18-815883	04/17/2018	01:15:45	4803 - PREMISES CHECK	535 KENMORE AV
18-816009	04/18/2018	00:47:05	4803 - PREMISES CHECK	535 KENMORE AV
18-816102	04/18/2018	11:52:53	4803 - PREMISES CHECK	535 KENMORE AV
18-816176	04/18/2018	22:16:03	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-816216	04/19/2018	03:57:54	4803 - PREMISES CHECK	535 KENMORE AV
18-816227	04/19/2018	04:38:23	4803 - PREMISES CHECK	535 KENMORE AV
18-816255	04/19/2018	09:25:16	4803 - PREMISES CHECK	535 KENMORE AV
18-816356	04/20/2018	02:38:45	4803 - PREMISES CHECK	535 KENMORE AV
18-816389	04/20/2018	06:22:46	5099 - DISTURBANCE OTHER	535 KENMORE AV
18-816505	04/21/2018	00:23:02	4803 - PREMISES CHECK	535 KENMORE AV
18-816669	04/22/2018	02:54:59	4803 - PREMISES CHECK	535 KENMORE AV
18-816676	04/22/2018	03:19:12	4803 - PREMISES CHECK	535 KENMORE AV
18-816765	04/22/2018	21:32:16	4803 - PREMISES CHECK	535 KENMORE AV
18-816769	04/22/2018	21:39:14	4803 - PREMISES CHECK	535 KENMORE AV
18-816827	04/23/2018	03:03:48	4803 - PREMISES CHECK	535 KENMORE AV

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18-816851	04/23/2018	08:44:28	4803 - PREMISES CHECK	535 KENMORE AV
18-816914	04/23/2018	16:22:09	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-816983	04/24/2018	01:34:17	4803 - PREMISES CHECK	535 KENMORE AV
18-817042	04/24/2018	11:00:31	4514 - CHECK WELFARE	465 KENMORE AV
18-817066	04/24/2018	14:22:34	3799 - ANIMAL COMPLAINT-OTHER	417 KENMORE AV
18-817181	04/25/2018	02:23:26	4803 - PREMISES CHECK	535 KENMORE AV
18-817459	04/27/2018	00:59:37	4803 - PREMISES CHECK	535 KENMORE AV
18-817483	04/27/2018	02:22:05	4803 - PREMISES CHECK	535 KENMORE AV
18-817629	04/28/2018	03:03:44	4803 - PREMISES CHECK	535 KENMORE AV
18-817663	04/28/2018	09:15:18	4803 - PREMISES CHECK	535 KENMORE AV
18-817748	04/28/2018	22:49:22	4803 - PREMISES CHECK	535 KENMORE AV
18-817762	04/29/2018	00:44:20	4803 - PREMISES CHECK	535 KENMORE AV
18-817777	04/29/2018	02:48:11	4803 - PREMISES CHECK	535 KENMORE AV
18-818072	05/01/2018	04:12:05	4803 - PREMISES CHECK	535 KENMORE AV
18-818104	05/01/2018	09:49:22	4803 - PREMISES CHECK	535 KENMORE AV
18-818225	05/02/2018	01:57:16	4803 - PREMISES CHECK	535 KENMORE AV
18-818240	05/02/2018	03:21:33	4803 - PREMISES CHECK	535 KENMORE AV
18-818406	05/03/2018	03:31:10	4803 - PREMISES CHECK	535 KENMORE AV
18-818569	05/04/2018	03:02:05	4803 - PREMISES CHECK	535 KENMORE AV
18-818610	05/04/2018	11:18:40	4508 - ASSIST PERSON	535 KENMORE AV
18-818679	05/04/2018	20:26:09	3099 - TRAFFIC INFRACTION - OTHER	465 KENMORE AV
18-818885	05/06/2018	02:31:00	4803 - PREMISES CHECK	535 KENMORE AV
18-818917	05/06/2018	09:26:44	4803 - PREMISES CHECK	535 KENMORE AV
18-818922	05/06/2018	10:34:23	3099 - TRAFFIC INFRACTION - OTHER	501 KENMORE AV
18-818941	05/06/2018	14:38:33	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
18-818971	05/06/2018	21:37:38	4803 - PREMISES CHECK	535 KENMORE AV
18-819000	05/07/2018	00:44:05	4803 - PREMISES CHECK	535 KENMORE AV
18-819152	05/07/2018	23:07:04	4803 - PREMISES CHECK	535 KENMORE AV
18-819161	05/08/2018	01:02:21	4803 - PREMISES CHECK	535 KENMORE AV
18-819192	05/08/2018	03:05:40	4803 - PREMISES CHECK	535 KENMORE AV
18-819527	05/10/2018	02:12:53	4803 - PREMISES CHECK	535 KENMORE AV
18-819630	05/10/2018	18:50:06	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-819669	05/11/2018	00:19:26	4803 - PREMISES CHECK	535 KENMORE AV
18-819820	05/11/2018	22:34:24	4803 - PREMISES CHECK	535 KENMORE AV
18-819832	05/12/2018	00:27:48	4803 - PREMISES CHECK	535 KENMORE AV
18-819960	05/12/2018	22:38:51	4803 - PREMISES CHECK	535 KENMORE AV
18-820014	05/13/2018	04:34:45	4803 - PREMISES CHECK	535 KENMORE AV
18-820073	05/13/2018	14:21:02	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
18-820129	05/14/2018	00:19:40	4803 - PREMISES CHECK	535 KENMORE AV
18-820342	05/15/2018	09:03:57	4803 - PREMISES CHECK	535 KENMORE AV
18-820444	05/15/2018	23:23:50	5007 - CUSTOMER TROUBLE	535 KENMORE AV
18-820491	05/16/2018	04:10:12	4803 - PREMISES CHECK	535 KENMORE AV
18-820826	05/18/2018	03:11:54	4803 - PREMISES CHECK	535 KENMORE AV
18-820837	05/18/2018	04:27:33	4803 - PREMISES CHECK	535 KENMORE AV
18-820878	05/18/2018	11:04:34	4803 - PREMISES CHECK	535 KENMORE AV

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18-821116	05/20/2018	01:22:14	4803 - PREMISES CHECK	535 KENMORE AV
18-821272	05/21/2018	01:45:29	4803 - PREMISES CHECK	535 KENMORE AV
18-821422	05/22/2018	01:14:52	4803 - PREMISES CHECK	535 KENMORE AV
18-821494	05/22/2018	13:56:06	3463 - FIGHT	535 KENMORE AV
18-821501	05/22/2018	14:32:17	4508 - ASSIST PERSON	447 KENMORE AV
18-821605	05/23/2018	05:23:46	4803 - PREMISES CHECK	535 KENMORE AV
18-821704	05/23/2018	18:57:59	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
18-821771	05/24/2018	03:40:27	4803 - PREMISES CHECK	535 KENMORE AV
18-821813	05/24/2018	10:16:14	4803 - PREMISES CHECK	535 KENMORE AV
18-821925	05/25/2018	01:57:43	4803 - PREMISES CHECK	535 KENMORE AV
18-822113	05/26/2018	03:09:40	4803 - PREMISES CHECK	535 KENMORE AV
18-822234	05/27/2018	01:05:36	4803 - PREMISES CHECK	535 KENMORE AV
18-822247	05/27/2018	01:53:04	4803 - PREMISES CHECK	535 KENMORE AV
18-822413	05/28/2018	03:09:58	4803 - PREMISES CHECK	535 KENMORE AV
18-822533	05/28/2018	23:27:29	4803 - PREMISES CHECK	535 KENMORE AV
18-822556	05/29/2018	01:44:51	4803 - PREMISES CHECK	535 KENMORE AV
18-822601	05/29/2018	09:06:44	4414 - FIRE CO-DETECTOR	501 KENMORE AV
18-822721	05/30/2018	01:10:53	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
18-822768	05/30/2018	03:59:45	4803 - PREMISES CHECK	535 KENMORE AV
18-822939	05/31/2018	01:25:38	4803 - PREMISES CHECK	535 KENMORE AV
18-823125	06/01/2018	01:56:19	4803 - PREMISES CHECK	535 KENMORE AV
18-823294	06/02/2018	04:37:17	4803 - PREMISES CHECK	535 KENMORE AV
18-823424	06/03/2018	01:40:52	4803 - PREMISES CHECK	535 KENMORE AV
18-823431	06/03/2018	01:53:16	4803 - PREMISES CHECK	535 KENMORE AV
18-823434	06/03/2018	02:04:09	4803 - PREMISES CHECK	535 KENMORE AV
18-823599	06/04/2018	02:24:34	4803 - PREMISES CHECK	535 KENMORE AV
18-823724	06/04/2018	20:40:36	2412 - FIREWORKS-USE	593 KENMORE AV
18-823753	06/05/2018	01:17:04	4803 - PREMISES CHECK	535 KENMORE AV
18-823825	06/05/2018	11:39:07	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-823963	06/06/2018	03:04:17	4803 - PREMISES CHECK	535 KENMORE AV
18-824118	06/07/2018	01:50:04	4803 - PREMISES CHECK	535 KENMORE AV
18-824123	06/07/2018	02:05:39	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-824125	06/07/2018	02:07:39	4803 - PREMISES CHECK	535 KENMORE AV
18-824158	06/07/2018	04:21:24	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
18-824286	06/08/2018	01:27:41	4803 - PREMISES CHECK	535 KENMORE AV
18-824488	06/09/2018	02:51:53	4803 - PREMISES CHECK	535 KENMORE AV
18-824638	06/10/2018	03:09:56	4803 - PREMISES CHECK	535 KENMORE AV
18-824641	06/10/2018	03:17:30	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-824675	06/10/2018	07:16:41	4803 - PREMISES CHECK	447 KENMORE AV
18-824769	06/11/2018	02:00:16	4803 - PREMISES CHECK	535 KENMORE AV
18-824961	06/12/2018	01:54:55	4803 - PREMISES CHECK	535 KENMORE AV
18-825054	06/12/2018	13:56:55	3099 - TRAFFIC INFRACTION - OTHER	563 KENMORE AV
18-825144	06/13/2018	02:05:58	4803 - PREMISES CHECK	535 KENMORE AV
18-825320	06/14/2018	01:17:11	4803 - PREMISES CHECK	535 KENMORE AV
18-825486	06/15/2018	00:37:05	4803 - PREMISES CHECK	535 KENMORE AV

Complaint	Date)	Call Type	Address
18-825656	06/16/2018	00:48:37	4803 - PREMISES CHECK	535 KENMORE AV
18-825658	06/16/2018	00:56:44	4803 - PREMISES CHECK	535 KENMORE AV
18-825753	06/16/2018	15:29:21	5001 - DISTURBANCE-PUBLIC PLACE	535 KENMORE AV
18-825820	06/17/2018	01:31:51	4803 - PREMISES CHECK	535 KENMORE AV
18-825975	06/18/2018	01:44:12	4803 - PREMISES CHECK	535 KENMORE AV
18-826013	06/18/2018	10:00:57	4803 - PREMISES CHECK	535 KENMORE AV
18-826129	06/19/2018	03:49:46	4803 - PREMISES CHECK	535 KENMORE AV
18-826259	06/20/2018	00:38:04	4803 - PREMISES CHECK	535 KENMORE AV
18-826470	06/21/2018	04:02:55	4803 - PREMISES CHECK	535 KENMORE AV
18-826622	06/22/2018	03:28:33	4803 - PREMISES CHECK	535 KENMORE AV
18-826783	06/23/2018	02:58:56	4803 - PREMISES CHECK	535 KENMORE AV
18-826829	06/23/2018	14:37:48	3099 - TRAFFIC INFRACTION - OTHER	563 KENMORE AV
18-826892	06/24/2018	01:08:35	4803 - PREMISES CHECK	535 KENMORE AV
18-827033	06/25/2018	01:06:19	4803 - PREMISES CHECK	535 KENMORE AV
18-827061	06/25/2018	03:29:08	4803 - PREMISES CHECK	535 KENMORE AV
18-827210	06/26/2018	01:47:59	4803 - PREMISES CHECK	447 KENMORE AV
18-827220	06/26/2018	02:50:13	4803 - PREMISES CHECK	535 KENMORE AV
18-827402	06/27/2018	02:36:47	4803 - PREMISES CHECK	535 KENMORE AV
18-827446	06/27/2018	11:05:06	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
18-827497	06/27/2018	18:09:20	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-827687	06/28/2018	22:47:40	4803 - PREMISES CHECK	535 KENMORE AV
18-827717	06/29/2018	02:02:51	4803 - PREMISES CHECK	535 KENMORE AV
18-827877	06/30/2018	03:50:07	4803 - PREMISES CHECK	535 KENMORE AV
18-828107	07/01/2018	17:26:03	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-828162	07/02/2018	01:36:10	4803 - PREMISES CHECK	535 KENMORE AV
18-828176	07/02/2018	02:37:13	4803 - PREMISES CHECK	535 KENMORE AV
18-828235	07/02/2018	10:30:42	3464 - SUSPICIOUS PERSON	535 KENMORE AV
18-828370	07/03/2018	04:21:47	4803 - PREMISES CHECK	535 KENMORE AV
18-828532	07/04/2018	02:44:00	4803 - PREMISES CHECK	535 KENMORE AV
18-828616	07/04/2018	18:30:21	4504 - EMS	535 KENMORE AV
18-828617	07/04/2018	18:46:55	4504 - EMS	535 KENMORE AV
18-828680	07/05/2018	01:20:02	4803 - PREMISES CHECK	535 KENMORE AV
18-828851	07/06/2018	00:33:46	2705 - FALSE ALARM - MALFUNCTION	535 KENMORE AV
18-829056	07/07/2018	03:03:30	4803 - PREMISES CHECK	535 KENMORE AV
18-829177	07/07/2018	22:38:08	4803 - PREMISES CHECK	535 KENMORE AV
18-829217	07/08/2018	03:18:52	4803 - PREMISES CHECK	535 KENMORE AV
18-829371	07/09/2018	05:04:14	4803 - PREMISES CHECK	535 KENMORE AV
18-829394	07/09/2018	10:10:02	4803 - PREMISES CHECK	535 KENMORE AV
18-829445	07/09/2018	18:16:38	3099 - TRAFFIC INFRACTION - OTHER	593 KENMORE AV
18-829485	07/10/2018	00:50:06	4803 - PREMISES CHECK	535 KENMORE AV
18-829628	07/10/2018	19:41:47	4501 - ASSIST OTHER POLICE	535 KENMORE AV
18-829833	07/12/2018	02:10:40	4803 - PREMISES CHECK	535 KENMORE AV
18-829871	07/12/2018	08:46:42	4901 - ACCIDENT PDO	535 KENMORE AV
18-829874	07/12/2018	09:09:38	4803 - PREMISES CHECK	535 KENMORE AV
18-829910	07/12/2018	12:32:29	2705 - FALSE ALARM - MALFUNCTION	535 KENMORE AV

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18-829986	07/12/2018	23:11:04	2705 - FALSE ALARM - MALFUNCTION	535 KENMORE AV
18-830025	07/13/2018	03:39:06	4803 - PREMISES CHECK	401 KENMORE AV
18-830092	07/13/2018	14:14:44	3099 - TRAFFIC INFRACTION - OTHER	559 KENMORE AV
18-830321	07/15/2018	01:56:41	4803 - PREMISES CHECK	535 KENMORE AV
18-830465	07/16/2018	02:05:04	4803 - PREMISES CHECK	535 KENMORE AV
18-830498	07/16/2018	05:35:41	2705 - FALSE ALARM - MALFUNCTION	535 KENMORE AV
18-830499	07/16/2018	05:53:34	4803 - PREMISES CHECK	535 KENMORE AV
18-830780	07/18/2018	00:09:55	4803 - PREMISES CHECK	535 KENMORE AV
18-830947	07/18/2018	21:25:35	4803 - PREMISES CHECK	535 KENMORE AV
18-830991	07/19/2018	02:15:59	4803 - PREMISES CHECK	535 KENMORE AV
18-831026	07/19/2018	06:12:45	4803 - PREMISES CHECK	447 KENMORE AV
18-831150	07/20/2018	00:27:38	1611 - LARCENY - SHOPLIFTING	535 KENMORE AV
18-831317	07/21/2018	01:08:41	4803 - PREMISES CHECK	535 KENMORE AV
18-831494	07/22/2018	01:28:39	4803 - PREMISES CHECK	535 KENMORE AV
18-831543	07/22/2018	10:53:35	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-831638	07/23/2018	01:31:30	4803 - PREMISES CHECK	535 KENMORE AV
18-831687	07/23/2018	08:20:10	3099 - TRAFFIC INFRACTION - OTHER	465 KENMORE AV
18-831810	07/24/2018	00:47:49	4803 - PREMISES CHECK	535 KENMORE AV
18-831839	07/24/2018	02:42:09	4517 - ATTEMPT TO LOCATE	535 KENMORE AV
18-831989	07/25/2018	01:07:21	4803 - PREMISES CHECK	535 KENMORE AV
18-832050	07/25/2018	05:52:10	4803 - PREMISES CHECK	535 KENMORE AV
18-832187	07/26/2018	01:41:34	4803 - PREMISES CHECK	535 KENMORE AV
18-832189	07/26/2018	01:47:15	4803 - PREMISES CHECK	535 KENMORE AV
18-832289	07/26/2018	16:52:43	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-832356	07/27/2018	02:20:50	4803 - PREMISES CHECK	535 KENMORE AV
18-832371	07/27/2018	03:33:04	3498 - SUSPICIOUS VEHICLE	535 KENMORE AV
18-832528	07/28/2018	01:57:28	4803 - PREMISES CHECK	535 KENMORE AV
18-832570	07/28/2018	08:59:57	4803 - PREMISES CHECK	535 KENMORE AV
18-832681	07/29/2018	01:28:39	4803 - PREMISES CHECK	535 KENMORE AV
18-832721	07/29/2018	06:00:15	4803 - PREMISES CHECK	535 KENMORE AV
18-832729	07/29/2018	08:42:01	4803 - PREMISES CHECK	535 KENMORE AV
18-832852	07/30/2018	01:47:36	1706 - ROBBERY-ATTEMPT	535 KENMORE AV
18-832916	07/30/2018	13:25:36	3099 - TRAFFIC INFRACTION - OTHER	465 KENMORE AV
18-832968	07/30/2018	20:34:10	4803 - PREMISES CHECK	535 KENMORE AV
18-832974	07/30/2018	20:49:25	4803 - PREMISES CHECK	535 KENMORE AV
18-832987	07/30/2018	22:36:18	4803 - PREMISES CHECK	535 KENMORE AV
18-832994	07/30/2018	23:35:04	5007 - CUSTOMER TROUBLE	535 KENMORE AV
18-833054	07/31/2018	04:31:17	4803 - PREMISES CHECK	535 KENMORE AV
18-833167	08/01/2018	00:24:04	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
18-833178	08/01/2018	01:07:02	4803 - PREMISES CHECK	535 KENMORE AV
18-833197	08/01/2018	02:15:43	5501 - SHAG YOUTHS / JUV COMPLAINT (N	OT R535 KENMORE AV
18-833211	08/01/2018	03:26:48	4803 - PREMISES CHECK	501 KENMORE AV
18-833272	08/01/2018	12:19:37	3477 - POLICE INFO	447 KENMORE AV
18-833350	08/01/2018	23:26:24	4803 - PREMISES CHECK	535 KENMORE AV
18-833371	08/02/2018	01:41:21	4803 - PREMISES CHECK	535 KENMORE AV
	- *			

Complaint	Date)	Call Type	Address
18-833384	08/02/2018	02:32:36	4803 - PREMISES CHECK	535 KENMORE AV
18-833401	08/02/2018	04:40:01	4514 - CHECK WELFARE	535 KENMORE AV
18-833555	08/03/2018	04:46:24	4803 - PREMISES CHECK	535 KENMORE AV
18-833565	08/03/2018	08:28:22	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
18-833615	08/03/2018	16:34:15	3099 - TRAFFIC INFRACTION - OTHER	559 KENMORE AV
18-833687	08/04/2018	02:39:54	4517 - ATTEMPT TO LOCATE	535 KENMORE AV
18-833730	08/04/2018	10:33:17	4803 - PREMISES CHECK	535 KENMORE AV
18-833828	08/05/2018	02:08:05	4803 - PREMISES CHECK	535 KENMORE AV
18-833948	08/05/2018	22:34:35	4803 - PREMISES CHECK	535 KENMORE AV
18-833992	08/06/2018	03:03:50	4803 - PREMISES CHECK	535 KENMORE AV
18-834131	08/06/2018	21:00:29	4803 - PREMISES CHECK	535 KENMORE AV
18-834308	08/07/2018	22:10:17	4803 - PREMISES CHECK	535 KENMORE AV
18-834337	08/08/2018	01:39:48	4803 - PREMISES CHECK	535 KENMORE AV
18-834344	08/08/2018	01:57:14	3099 - TRAFFIC INFRACTION - OTHER	559 KENMORE AV
18-834347	08/08/2018	02:18:04	4803 - PREMISES CHECK	535 KENMORE AV
18-834500	08/09/2018	01:30:25	4803 - PREMISES CHECK	535 KENMORE AV
18-834542	08/09/2018	08:58:10	4803 - PREMISES CHECK	535 KENMORE AV
18-834557	08/09/2018	11:36:19	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
18-834675	08/10/2018	04:53:33	4803 - PREMISES CHECK	535 KENMORE AV
18-834702	08/10/2018	08:48:44	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
18-834721	08/10/2018	11:30:22	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-834865	08/11/2018	05:31:44	4803 - PREMISES CHECK	535 KENMORE AV
18-835004	08/12/2018	02:39:28	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
18-835065	08/12/2018	14:01:47	3099 - TRAFFIC INFRACTION - OTHER	593 KENMORE AV
18-835132	08/13/2018	00:56:15	4803 - PREMISES CHECK	535 KENMORE AV
18-835152	08/13/2018	02:45:06	4803 - PREMISES CHECK	535 KENMORE AV
18-835246	08/13/2018	16:21:08	3464 - SUSPICIOUS PERSON	535 KENMORE AV
18-835308	08/14/2018	01:28:26	4803 - PREMISES CHECK	535 KENMORE AV
18-835484	08/15/2018	02:35:42	4803 - PREMISES CHECK	535 KENMORE AV
18-835631	08/16/2018	03:16:56	4803 - PREMISES CHECK	535 KENMORE AV
18-835819	08/17/2018	03:13:01	4803 - PREMISES CHECK	535 KENMORE AV
18-835929	08/18/2018	00:32:18	4803 - PREMISES CHECK	535 KENMORE AV
18-835973	08/18/2018	05:18:21	4803 - PREMISES CHECK	535 KENMORE AV
18-835977	08/18/2018	05:32:26	2705 - FALSE ALARM - MALFUNCTION	401 KENMORE AV
18-836047	08/18/2018	17:09:41	4501 - ASSIST OTHER POLICE	535 KENMORE AV
18-836181	08/19/2018	19:05:16	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
18-836219	08/20/2018	01:23:35	4803 - PREMISES CHECK	535 KENMORE AV
18-836245	08/20/2018	02:55:57	4803 - PREMISES CHECK	535 KENMORE AV
18-836367	08/20/2018	22:23:22	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-836408	08/21/2018	03:50:59	4803 - PREMISES CHECK	535 KENMORE AV
18-836537	08/22/2018	02:14:49	4803 - PREMISES CHECK	535 KENMORE AV
18-836546	08/22/2018	03:34:57	4803 - PREMISES CHECK	535 KENMORE AV
18-836673	08/22/2018	23:07:05	4803 - PREMISES CHECK	535 KENMORE AV
18-836716	08/23/2018	04:47:39	4803 - PREMISES CHECK	535 KENMORE AV
18-836857	08/24/2018	02:18:19	3002 - RECKLESS OPERATION	535 KENMORE AV

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18-836977	08/25/2018	00:37:15	4803 - PREMISES CHECK	535 KENMORE AV
18-836998	08/25/2018	02:46:01	3099 - TRAFFIC INFRACTION - OTHER	563 KENMORE AV
18-837140	08/26/2018	01:52:04	4803 - PREMISES CHECK	535 KENMORE AV
18-837258	08/27/2018	01:32:27	4803 - PREMISES CHECK	535 KENMORE AV
18-837327	08/27/2018	10:27:02	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
18-837423	08/28/2018	02:40:15	4803 - PREMISES CHECK	535 KENMORE AV
18-837441	08/28/2018	04:00:37	4803 - PREMISES CHECK	535 KENMORE AV
18-837543	08/28/2018	21:18:17	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
18-837579	08/29/2018	01:58:50	4803 - PREMISES CHECK	535 KENMORE AV
18-837725	08/30/2018	01:09:55	4803 - PREMISES CHECK	535 KENMORE AV
18-837822	08/30/2018	17:25:04	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
18-837857	08/30/2018	23:11:43	4508 - ASSIST PERSON	535 KENMORE AV
18-837903	08/31/2018	03:55:34	4803 - PREMISES CHECK	535 KENMORE AV
18-837968	08/31/2018	15:22:32	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-838164	09/02/2018	01:47:57	4803 - PREMISES CHECK	535 KENMORE AV
18-838233	09/02/2018	14:56:30	4508 - ASSIST PERSON	535 KENMORE AV
18-838306	09/03/2018	01:58:42	4803 - PREMISES CHECK	535 KENMORE AV
18-838361	09/03/2018	10:43:20	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
18-838440	09/04/2018	01:05:38	4803 - PREMISES CHECK	535 KENMORE AV
18-838453	09/04/2018	01:48:33	3001 - DRUNK DRIVING	583 KENMORE AV
18-838723	09/05/2018	14:44:23	4803 - PREMISES CHECK	535 KENMORE AV
18-838790	09/06/2018	01:45:15	4803 - PREMISES CHECK	535 KENMORE AV
18-838854	09/06/2018	10:37:28	3464 - SUSPICIOUS PERSON	535 KENMORE AV
18-839058	09/07/2018	15:01:01	3464 - SUSPICIOUS PERSON	535 KENMORE AV
18-839186	09/08/2018	11:01:46	4803 - PREMISES CHECK	535 KENMORE AV
18-839254	09/08/2018	22:14:44	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-839284	09/09/2018	02:29:53	4803 - PREMISES CHECK	535 KENMORE AV
18-839378	09/09/2018	22:02:10	4803 - PREMISES CHECK	535 KENMORE AV
18-839725	09/11/2018	23:04:37	4803 - PREMISES CHECK	535 KENMORE AV
18-839923	09/13/2018	04:41:50	4803 - PREMISES CHECK	535 KENMORE AV
18-840058	09/14/2018	02:44:21	4803 - PREMISES CHECK	535 KENMORE AV
18-840092	09/14/2018	09:08:07	4803 - PREMISES CHECK	535 KENMORE AV
18-840165	09/14/2018	22:56:32	3001 - DRUNK DRIVING	535 KENMORE AV
18-840252	09/15/2018	13:44:54	4803 - PREMISES CHECK	535 KENMORE AV
18-840325	09/16/2018	01:49:16	4803 - PREMISES CHECK	535 KENMORE AV
18-840636	09/18/2018	01:54:47	4803 - PREMISES CHECK	535 KENMORE AV
18-840883	09/19/2018	14:00:16	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
18-840904	09/19/2018	16:34:36	4617 - REFERRAL- JUVENILE REFERRAL	535 KENMORE AV
18-840915	09/19/2018	18:23:59	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
18-841156	09/21/2018	03:39:25	4803 - PREMISES CHECK	535 KENMORE AV
18-841216	09/21/2018	10:54:13	4803 - PREMISES CHECK	535 KENMORE AV
18-841446	09/22/2018	21:58:03	5007 - CUSTOMER TROUBLE	535 KENMORE AV
18-841478	09/23/2018	02:04:56	4803 - PREMISES CHECK	535 KENMORE AV
18-841495	09/23/2018	03:35:16	4803 - PREMISES CHECK	535 KENMORE AV
18-841651	09/24/2018	04:15:31	4803 - PREMISES CHECK	535 KENMORE AV

18-841860 09/25/2018 08:46:26 4803 - PREMISES CHECK 535 KENMORE AV 18-841920 09/25/2018 20:58:09 4803 - PREMISES CHECK 535 KENMORE AV 18-842012 09/26/2018 09:31:28 4803 - PREMISES CHECK 535 KENMORE AV 18-842264 09/27/2018 22:40:39 4803 - PREMISES CHECK 535 KENMORE AV 18-842467 09/29/2018 03:38:38 4803 - PREMISES CHECK 535 KENMORE AV 18-842795 10/01/2018 09:21:30 4803 - PREMISES CHECK 535 KENMORE AV 18-843930 10/02/2018 04:15:04 4803 - PREMISES CHECK 535 KENMORE AV 18-843104 10/03/2018 02:50:00 4803 - PREMISES CHECK 535 KENMORE AV 18-843153 10/03/2018 10:30:52 3099 - TRAFFIC INFRACTION - OTHER 417 KENMORE AV 18-843265 10/04/2018 01:44:36 4803 - PREMISES CHECK 535 KENMORE AV 18-843437 10/05/2018 01:16:34 4803 - PREMISES CHECK 535 KENMORE AV 18-843588 10/05/2018 23:22:29 4803 - PREMISES CHECK 535 KENMORE AV 18-843654 10/06/2018 08:24:58	
18-842012 09/26/2018 09:31:28 4803 - PREMISES CHECK 535 KENMORE AV 18-842264 09/27/2018 22:40:39 4803 - PREMISES CHECK 535 KENMORE AV 18-842467 09/29/2018 03:38:38 4803 - PREMISES CHECK 535 KENMORE AV 18-842795 10/01/2018 09:21:30 4803 - PREMISES CHECK 535 KENMORE AV 18-842930 10/02/2018 04:15:04 4803 - PREMISES CHECK 535 KENMORE AV 18-843104 10/03/2018 02:50:00 4803 - PREMISES CHECK 535 KENMORE AV 18-843153 10/03/2018 10:30:52 3099 - TRAFFIC INFRACTION - OTHER 417 KENMORE AV 18-843265 10/04/2018 01:44:36 4803 - PREMISES CHECK 535 KENMORE AV 18-843437 10/05/2018 01:16:34 4803 - PREMISES CHECK 535 KENMORE AV 18-843588 10/05/2018 23:22:29 4803 - PREMISES CHECK 535 KENMORE AV 18-843654 10/06/2018 08:24:58 3001 - DRUNK DRIVING 535 KENMORE AV 18-843780 10/07/2018 05:35:43 4514 - CHECK WELFARE 535 KENMORE AV	
18-842264 09/27/2018 22:40:39 4803 - PREMISES CHECK 535 KENMORE AV 18-842467 09/29/2018 03:38:38 4803 - PREMISES CHECK 535 KENMORE AV 18-842795 10/01/2018 09:21:30 4803 - PREMISES CHECK 535 KENMORE AV 18-842930 10/02/2018 04:15:04 4803 - PREMISES CHECK 535 KENMORE AV 18-843104 10/03/2018 02:50:00 4803 - PREMISES CHECK 535 KENMORE AV 18-843153 10/03/2018 10:30:52 3099 - TRAFFIC INFRACTION - OTHER 417 KENMORE AV 18-843265 10/04/2018 01:44:36 4803 - PREMISES CHECK 535 KENMORE AV 18-843437 10/05/2018 01:16:34 4803 - PREMISES CHECK 535 KENMORE AV 18-843588 10/05/2018 23:22:29 4803 - PREMISES CHECK 535 KENMORE AV 18-843654 10/06/2018 08:24:58 3001 - DRUNK DRIVING 535 KENMORE AV 18-843780 10/07/2018 05:35:43 4514 - CHECK WELFARE 535 KENMORE AV	
18-842467 09/29/2018 03:38:38 4803 - PREMISES CHECK 535 KENMORE AV 18-842795 10/01/2018 09:21:30 4803 - PREMISES CHECK 535 KENMORE AV 18-842930 10/02/2018 04:15:04 4803 - PREMISES CHECK 535 KENMORE AV 18-843104 10/03/2018 02:50:00 4803 - PREMISES CHECK 535 KENMORE AV 18-843153 10/03/2018 10:30:52 3099 - TRAFFIC INFRACTION - OTHER 417 KENMORE AV 18-843265 10/04/2018 01:44:36 4803 - PREMISES CHECK 535 KENMORE AV 18-843437 10/05/2018 01:16:34 4803 - PREMISES CHECK 535 KENMORE AV 18-843588 10/05/2018 23:22:29 4803 - PREMISES CHECK 535 KENMORE AV 18-843654 10/06/2018 08:24:58 3001 - DRUNK DRIVING 535 KENMORE AV 18-843780 10/07/2018 05:35:43 4514 - CHECK WELFARE 535 KENMORE AV	
18-842795 10/01/2018 09:21:30 4803 - PREMISES CHECK 535 KENMORE AV 18-842930 10/02/2018 04:15:04 4803 - PREMISES CHECK 535 KENMORE AV 18-843104 10/03/2018 02:50:00 4803 - PREMISES CHECK 535 KENMORE AV 18-843153 10/03/2018 10:30:52 3099 - TRAFFIC INFRACTION - OTHER 417 KENMORE AV 18-843265 10/04/2018 01:44:36 4803 - PREMISES CHECK 535 KENMORE AV 18-843437 10/05/2018 01:16:34 4803 - PREMISES CHECK 535 KENMORE AV 18-843588 10/05/2018 23:22:29 4803 - PREMISES CHECK 535 KENMORE AV 18-843654 10/06/2018 08:24:58 3001 - DRUNK DRIVING 535 KENMORE AV 18-843780 10/07/2018 05:35:43 4514 - CHECK WELFARE 535 KENMORE AV	
18-842930 10/02/2018 04:15:04 4803 - PREMISES CHECK 535 KENMORE AV 18-843104 10/03/2018 02:50:00 4803 - PREMISES CHECK 535 KENMORE AV 18-843153 10/03/2018 10:30:52 3099 - TRAFFIC INFRACTION - OTHER 417 KENMORE AV 18-843265 10/04/2018 01:44:36 4803 - PREMISES CHECK 535 KENMORE AV 18-843437 10/05/2018 01:16:34 4803 - PREMISES CHECK 535 KENMORE AV 18-843588 10/05/2018 23:22:29 4803 - PREMISES CHECK 535 KENMORE AV 18-843654 10/06/2018 08:24:58 3001 - DRUNK DRIVING 535 KENMORE AV 18-843780 10/07/2018 05:35:43 4514 - CHECK WELFARE 535 KENMORE AV	
18-843104 10/03/2018 02:50:00 4803 - PREMISES CHECK 535 KENMORE AV 18-843153 10/03/2018 10:30:52 3099 - TRAFFIC INFRACTION - OTHER 417 KENMORE AV 18-843265 10/04/2018 01:44:36 4803 - PREMISES CHECK 535 KENMORE AV 18-843437 10/05/2018 01:16:34 4803 - PREMISES CHECK 535 KENMORE AV 18-843588 10/05/2018 23:22:29 4803 - PREMISES CHECK 535 KENMORE AV 18-843654 10/06/2018 08:24:58 3001 - DRUNK DRIVING 535 KENMORE AV 18-843780 10/07/2018 05:35:43 4514 - CHECK WELFARE 535 KENMORE AV	
18-843153 10/03/2018 10:30:52 3099 - TRAFFIC INFRACTION - OTHER 417 KENMORE AV 18-843265 10/04/2018 01:44:36 4803 - PREMISES CHECK 535 KENMORE AV 18-843437 10/05/2018 01:16:34 4803 - PREMISES CHECK 535 KENMORE AV 18-843588 10/05/2018 23:22:29 4803 - PREMISES CHECK 535 KENMORE AV 18-843654 10/06/2018 08:24:58 3001 - DRUNK DRIVING 535 KENMORE AV 18-843780 10/07/2018 05:35:43 4514 - CHECK WELFARE 535 KENMORE AV	
18-843265 10/04/2018 01:44:36 4803 - PREMISES CHECK 535 KENMORE AV 18-843437 10/05/2018 01:16:34 4803 - PREMISES CHECK 535 KENMORE AV 18-843588 10/05/2018 23:22:29 4803 - PREMISES CHECK 535 KENMORE AV 18-843654 10/06/2018 08:24:58 3001 - DRUNK DRIVING 535 KENMORE AV 18-843780 10/07/2018 05:35:43 4514 - CHECK WELFARE 535 KENMORE AV	
18-843437 10/05/2018 01:16:34 4803 - PREMISES CHECK 535 KENMORE AV 18-843588 10/05/2018 23:22:29 4803 - PREMISES CHECK 535 KENMORE AV 18-843654 10/06/2018 08:24:58 3001 - DRUNK DRIVING 535 KENMORE AV 18-843780 10/07/2018 05:35:43 4514 - CHECK WELFARE 535 KENMORE AV	
18-843588 10/05/2018 23:22:29 4803 - PREMISES CHECK 535 KENMORE AV 18-843654 10/06/2018 08:24:58 3001 - DRUNK DRIVING 535 KENMORE AV 18-843780 10/07/2018 05:35:43 4514 - CHECK WELFARE 535 KENMORE AV	
18-843654 10/06/2018 08:24:58 3001 - DRUNK DRIVING 535 KENMORE AV 18-843780 10/07/2018 05:35:43 4514 - CHECK WELFARE 535 KENMORE AV	
18-843780 10/07/2018 05:35:43 4514 - CHECK WELFARE 535 KENMORE AV	
18-843786 10/07/2018 07:03:19 4803 - PREMISES CHECK 535 KENMORE AV	
18-843941 10/08/2018 10:22:17 4803 - PREMISES CHECK 535 KENMORE AV	
18-844059 10/09/2018 02:53:06 4803 - PREMISES CHECK 535 KENMORE AV	
18-844105 10/09/2018 08:53:52 4803 - PREMISES CHECK 535 KENMORE AV	
18-844199 10/09/2018 22:31:35 4803 - PREMISES CHECK 535 KENMORE AV	
18-844217 10/10/2018 01:09:29 4803 - PREMISES CHECK 535 KENMORE AV	
18-844308 10/10/2018 11:35:45 4803 - PREMISES CHECK 535 KENMORE AV	
18-844413 10/11/2018 03:37:41 4803 - PREMISES CHECK 535 KENMORE AV	
18-844628 10/12/2018 10:25:23 4803 - PREMISES CHECK 535 KENMORE AV	
18-844994 10/15/2018 00:10:17 4803 - PREMISES CHECK 535 KENMORE AV	
18-845047 10/15/2018 04:28:45 4803 - PREMISES CHECK 447 KENMORE AV	
18-845080 10/15/2018 10:15:13 4803 - PREMISES CHECK 535 KENMORE AV	
18-845183 10/16/2018 01:05:04 4803 - PREMISES CHECK 535 KENMORE AV	
18-845347 10/17/2018 02:38:10 4803 - PREMISES CHECK 535 KENMORE AV	
18-845592 10/18/2018 16:37:49 5501 - SHAG YOUTHS / JUV COMPLAINT (NOT R535 KENMORE AV	
18-845621 10/18/2018 20:38:38 3099 - TRAFFIC INFRACTION - OTHER 563 KENMORE AV	
18-845650 10/19/2018 04:17:38 4803 - PREMISES CHECK 535 KENMORE AV	
18-845769 10/19/2018 22:09:42 4803 - PREMISES CHECK 535 KENMORE AV	
18-845774 10/19/2018 22:50:33 4803 - PREMISES CHECK 535 KENMORE AV	
18-845793 10/20/2018 02:31:00 4803 - PREMISES CHECK 535 KENMORE AV	
18-846003 10/21/2018 15:50:07 3099 - TRAFFIC INFRACTION - OTHER 535 KENMORE AV	
18-846064 10/22/2018 05:30:29 4803 - PREMISES CHECK 535 KENMORE AV	
18-846234 10/23/2018 05:04:23 4803 - PREMISES CHECK 535 KENMORE AV	
18-846559 10/25/2018 02:48:01 4803 - PREMISES CHECK 535 KENMORE AV	
18-846723 10/26/2018 06:09:08 4803 - PREMISES CHECK 535 KENMORE AV	
18-846865 10/27/2018 04:53:01 4803 - PREMISES CHECK 535 KENMORE AV	
18-846900 10/27/2018 14:08:20 2708 - FALSE ALARM - BUSINESS - HUMAN ERR535 KENMORE AV	
18-846921 10/27/2018 17:25:41 2705 - FALSE ALARM - MALFUNCTION 487 KENMORE AV	
18-847089 10/29/2018 01:34:00 4803 - PREMISES CHECK 535 KENMORE AV	
18-847275 10/30/2018 03:22:27 4803 - PREMISES CHECK 535 KENMORE AV	
18-847440 10/31/2018 04:36:21 4803 - PREMISES CHECK 401 KENMORE AV	

omplaint	Date)	Call Type	Address
18-847586	11/01/2018	04:02:34	4803 - PREMISES CHECK	535 KENMORE AV
18-847732	11/02/2018	05:20:15	4803 - PREMISES CHECK	535 KENMORE AV
18-847785	11/02/2018	14:06:25	1611 - LARCENY - SHOPLIFTING	535 KENMORE AV
18-848003	11/04/2018	01:02:48	4803 - PREMISES CHECK	535 KENMORE AV
18-848035	11/04/2018	03:44:01	4803 - PREMISES CHECK	535 KENMORE AV
18-848232	11/05/2018	14:02:57	3477 - POLICE INFO	535 KENMORE AV
18-848364	11/06/2018	08:25:36	4803 - PREMISES CHECK	535 KENMORE AV
18-848373	11/06/2018	09:59:21	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
18-848405	11/06/2018	14:16:09	4803 - PREMISES CHECK	535 KENMORE AV
18-848985	11/10/2018	03:07:49	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
18-849137	11/11/2018	03:58:39	4803 - PREMISES CHECK	535 KENMORE AV
18-849199	11/11/2018	15:58:39	4508 - ASSIST PERSON	535 KENMORE AV
18-849599	11/14/2018	03:02:38	4803 - PREMISES CHECK	535 KENMORE AV
18-849689	11/14/2018	18:02:47	3099 - TRAFFIC INFRACTION - OTHER	559 KENMORE AV
18-849897	11/16/2018	03:26:20	4803 - PREMISES CHECK	535 KENMORE AV
18-849958	11/16/2018	11:24:01	1201 - UNWELCOME GUEST	535 KENMORE AV
18-850147	11/18/2018	01:10:40	4803 - PREMISES CHECK	535 KENMORE AV
18-850253	11/18/2018	21:15:58	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
18-850348	11/19/2018	10:36:28	1699 - LARCENY-OTHER	535 KENMORE AV
18-850483	11/20/2018	09:14:14	4803 - PREMISES CHECK	535 KENMORE AV
18-850741	11/22/2018	01:32:51	4803 - PREMISES CHECK	535 KENMORE AV
18-850871	11/23/2018	06:54:35	2708 - FALSE ALARM - BUSINESS - HUMAN	ERR487 KENMORE AV
18-851384	11/26/2018	17:12:43	3099 - TRAFFIC INFRACTION - OTHER	402 VULCAN ST @ KENMORE AV
18-851449	11/27/2018	06:11:27	4803 - PREMISES CHECK	535 KENMORE AV
18-851471	11/27/2018	09:15:15	4803 - PREMISES CHECK	535 KENMORE AV
18-851495	11/27/2018	11:49:36	4901 - ACCIDENT PDO	447 KENMORE AV
18-851571	11/28/2018	01:41:07	4803 - PREMISES CHECK	535 KENMORE AV
18-852065	12/01/2018	02:46:07	4504 - EMS	593 KENMORE AV
18-852081	12/01/2018	04:31:19	4803 - PREMISES CHECK	535 KENMORE AV
18-852109	12/01/2018	09:34:35	4803 - PREMISES CHECK	535 KENMORE AV
18-852248	12/02/2018	11:18:53	2700 - FALSE ALARM (NOT FIRE)	447 KENMORE AV
18-852522	12/04/2018	05:36:00	4803 - PREMISES CHECK	447 KENMORE AV
18-852640	12/05/2018	01:33:51	4803 - PREMISES CHECK	535 KENMORE AV
18-853119	12/08/2018	00:54:44	4803 - PREMISES CHECK	535 KENMORE AV
18-853217	12/08/2018	16:54:30	4508 - ASSIST PERSON	535 KENMORE AV
18-853568	12/11/2018	05:02:37	4803 - PREMISES CHECK	535 KENMORE AV
18-853899	12/13/2018	10:46:35	3464 - SUSPICIOUS PERSON	583 KENMORE AV
18-854225	12/15/2018	12:12:35	2708 - FALSE ALARM - BUSINESS - HUMAN	ERR535 KENMORE AV
18-854325	12/16/2018	05:05:24	4803 - PREMISES CHECK	535 KENMORE AV
18-854435	12/17/2018	01:50:28	4803 - PREMISES CHECK	535 KENMORE AV
18-854444	12/17/2018	02:44:08	4803 - PREMISES CHECK	535 KENMORE AV
18-854538	12/17/2018	20:08:58	2708 - FALSE ALARM - BUSINESS - HUMAN	ERR447 KENMORE AV
18-854565	12/18/2018	01:20:34	4803 - PREMISES CHECK	535 KENMORE AV
18-854813	12/19/2018	16:56:08	3099 - TRAFFIC INFRACTION - OTHER	567 KENMORE AV
18-854880	12/20/2018	01:42:47	4803 - PREMISES CHECK	535 KENMORE AV

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18-855086	12/21/2018	09:15:54	3039 - V&T COMMERCIAL VEHICLE MISC	535 KENMORE AV
18-855520	12/24/2018	06:20:17	4504 - EMS	535 KENMORE AV
18-855605	12/25/2018	00:47:19	4803 - PREMISES CHECK	535 KENMORE AV
18-855720	12/26/2018	01:21:43	4803 - PREMISES CHECK	535 KENMORE AV
18-855791	12/26/2018	13:37:24	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
18-855995	12/27/2018	23:35:27	4802 - ALARM ACTIVATED / ALARM RINGING	447 KENMORE AV
18-856028	12/28/2018	01:48:36	4803 - PREMISES CHECK	535 KENMORE AV
18-856195	12/29/2018	05:52:49	4803 - PREMISES CHECK	535 KENMORE AV
18-856350	12/30/2018	10:29:22	4803 - PREMISES CHECK	535 KENMORE AV
18-856413	12/31/2018	00:10:55	4803 - PREMISES CHECK	535 KENMORE AV
19-900110	01/01/2019	21:56:38	4803 - PREMISES CHECK	535 KENMORE AV
19-900198	01/02/2019	09:53:36	3099 - TRAFFIC INFRACTION - OTHER	501 KENMORE AV
19-900278	01/02/2019	22:37:49	4803 - PREMISES CHECK	535 KENMORE AV
19-900449	01/04/2019	01:05:53	4803 - PREMISES CHECK	535 KENMORE AV
19-900591	01/04/2019	21:11:10	4803 - PREMISES CHECK	535 KENMORE AV
19-900704	01/05/2019	16:44:08	3099 - TRAFFIC INFRACTION - OTHER	501 KENMORE AV
19-900728	01/05/2019	21:52:12	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
19-900876	01/07/2019	01:04:22	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-900879	01/07/2019	01:14:22	4803 - PREMISES CHECK	535 KENMORE AV
19-901237	01/09/2019	04:09:23	4803 - PREMISES CHECK	535 KENMORE AV
19-901240	01/09/2019	04:25:29	4802 - ALARM ACTIVATED / ALARM RINGING	447 KENMORE AV
19-901303	01/09/2019	14:16:00	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
19-901304	01/09/2019	14:25:31	4803 - PREMISES CHECK	535 KENMORE AV
19-901506	01/10/2019	18:08:01	4901 - ACCIDENT PDO	535 KENMORE AV
19-901553	01/11/2019	01:58:29	4803 - PREMISES CHECK	535 KENMORE AV
19-901669	01/11/2019	20:42:38	4803 - PREMISES CHECK	535 KENMORE AV
19-901681	01/11/2019	22:46:15	4803 - PREMISES CHECK	535 KENMORE AV
19-901836	01/13/2019	00:47:46	4803 - PREMISES CHECK	535 KENMORE AV
19-902154	01/15/2019	02:33:44	4803 - PREMISES CHECK	535 KENMORE AV
19-902369	01/16/2019	10:04:40	2708 - FALSE ALARM - BUSINESS - HUMAN ER	RR447 KENMORE AV
19-902577	01/17/2019	18:06:09	2705 - FALSE ALARM - MALFUNCTION	487 KENMORE AV
19-902632	01/18/2019	01:53:32	4803 - PREMISES CHECK	535 KENMORE AV
19-902757	01/18/2019	23:08:04	3002 - RECKLESS OPERATION	535 KENMORE AV
19-903011	01/20/2019	19:32:41	5101 - PROPERTY LOST	535 KENMORE AV
19-903033	01/20/2019	23:50:56	4508 - ASSIST PERSON	535 KENMORE AV
19-903207	01/22/2019	02:17:11	4803 - PREMISES CHECK	535 KENMORE AV
19-903358	01/23/2019	01:31:33	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
19-903382	01/23/2019	03:25:50	4803 - PREMISES CHECK	535 KENMORE AV
19-903443	01/23/2019	10:59:11	3099 - TRAFFIC INFRACTION - OTHER	501 KENMORE AV
19-903496	01/23/2019	20:36:19	2708 - FALSE ALARM - BUSINESS - HUMAN ER	RR465 KENMORE AV
19-903501	01/23/2019	21:28:32	2708 - FALSE ALARM - BUSINESS - HUMAN ER	RR487 KENMORE AV
19-903600	01/24/2019	11:42:36	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
19-903615	01/24/2019	13:00:19	2708 - FALSE ALARM - BUSINESS - HUMAN ER	RR447 KENMORE AV
19-903729	01/25/2019	03:35:55	4803 - PREMISES CHECK	535 KENMORE AV
19-904470	01/30/2019	02:42:35	4803 - PREMISES CHECK	535 KENMORE AV

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19-904749	02/01/2019	01:04:08	4803 - PREMISES CHECK	535 KENMORE AV
19-904801	02/01/2019	09:25:54	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-904820	02/01/2019	12:15:32	4803 - PREMISES CHECK	535 KENMORE AV
19-904922	02/02/2019	02:14:35	4803 - PREMISES CHECK	535 KENMORE AV
19-904954	02/02/2019	06:26:08	4803 - PREMISES CHECK	447 KENMORE AV
19-904977	02/02/2019	11:11:12	4504 - EMS	535 KENMORE AV
19-905292	02/04/2019	16:44:16	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
19-905339	02/05/2019	00:42:27	4803 - PREMISES CHECK	535 KENMORE AV
19-905354	02/05/2019	02:31:03	4803 - PREMISES CHECK	535 KENMORE AV
19-905409	02/05/2019	09:55:11	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
19-905455	02/05/2019	17:13:38	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
19-905551	02/06/2019	06:30:19	3099 - TRAFFIC INFRACTION - OTHER	597 KENMORE AV
19-905651	02/06/2019	21:10:47	2708 - FALSE ALARM - BUSINESS - HUMAN ER	RR465 KENMORE AV
19-905688	02/07/2019	02:44:01	4803 - PREMISES CHECK	535 KENMORE AV
19-905863	02/08/2019	03:57:49	4803 - PREMISES CHECK	535 KENMORE AV
19-905971	02/08/2019	17:01:13	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-905973	02/08/2019	17:02:45	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-906074	02/09/2019	11:56:56	2708 - FALSE ALARM - BUSINESS - HUMAN ER	RR487 KENMORE AV
19-906222	02/10/2019	11:09:38	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
19-906302	02/11/2019	01:19:54	4803 - PREMISES CHECK	535 KENMORE AV
19-906368	02/11/2019	11:13:55	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
19-906378	02/11/2019	12:34:38	2708 - FALSE ALARM - BUSINESS - HUMAN ER	RR501 KENMORE AV
19-906459	02/12/2019	01:20:46	4803 - PREMISES CHECK	535 KENMORE AV
19-906465	02/12/2019	01:58:23	4803 - PREMISES CHECK	535 KENMORE AV
19-906582	02/13/2019	00:15:36	4803 - PREMISES CHECK	535 KENMORE AV
19-906734	02/14/2019	00:55:25	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-906856	02/14/2019	22:06:30	4803 - PREMISES CHECK	535 KENMORE AV
19-906989	02/15/2019	18:05:10	2708 - FALSE ALARM - BUSINESS - HUMAN ER	RR487 KENMORE AV
19-907105	02/16/2019	10:24:57	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
19-907135	02/16/2019	15:03:43	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
19-907190	02/17/2019	01:14:38	4803 - PREMISES CHECK	535 KENMORE AV
19-907310	02/17/2019	22:16:07	4803 - PREMISES CHECK	535 KENMORE AV
19-907484	02/19/2019	00:55:19	4803 - PREMISES CHECK	535 KENMORE AV
19-907780	02/21/2019	01:23:42	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-907873	02/21/2019	16:55:13	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-907917	02/21/2019	22:40:26	4803 - PREMISES CHECK	535 KENMORE AV
19-907972	02/22/2019	09:42:15	3015 - PARKING VIOLATION - HANDICAPPED	535 KENMORE AV
19-908005	02/22/2019	13:07:34	4508 - ASSIST PERSON	535 KENMORE AV
19-908043	02/22/2019	19:52:59	4803 - PREMISES CHECK	535 KENMORE AV
19-908092	02/23/2019	02:33:21	4803 - PREMISES CHECK	535 KENMORE AV
19-908094	02/23/2019	02:44:53	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
19-908445	02/24/2019	22:22:07	4803 - PREMISES CHECK	535 KENMORE AV
19-908487	02/25/2019	03:20:07	4803 - PREMISES CHECK	535 KENMORE AV
19-908532	02/25/2019	11:40:25	2705 - FALSE ALARM - MALFUNCTION	487 KENMORE AV
19-908635	02/26/2019	01:37:29	4803 - PREMISES CHECK	535 KENMORE AV

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19-908917	02/27/2019	23:33:56	4803 - PREMISES CHECK	535 KENMORE AV
19-908972	02/28/2019	05:14:24	4803 - PREMISES CHECK	535 KENMORE AV
19-908998	02/28/2019	09:53:00	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
19-909012	02/28/2019	12:15:49	3799 - ANIMAL COMPLAINT-OTHER	535 KENMORE AV
19-909195	03/01/2019	20:25:27	2708 - FALSE ALARM - BUSINESS - HUMAN	ERR465 KENMORE AV
19-909464	03/04/2019	01:56:44	4803 - PREMISES CHECK	535 KENMORE AV
19-909475	03/04/2019	03:47:00	4803 - PREMISES CHECK	535 KENMORE AV
19-909542	03/04/2019	15:11:03	4803 - PREMISES CHECK	535 KENMORE AV
19-909837	03/06/2019	21:22:22	2705 - FALSE ALARM - MALFUNCTION	487 KENMORE AV
19-909854	03/07/2019	01:09:11	4803 - PREMISES CHECK	535 KENMORE AV
19-910009	03/08/2019	01:11:38	4803 - PREMISES CHECK	535 KENMORE AV
19-910140	03/08/2019	19:46:31	4803 - PREMISES CHECK	535 KENMORE AV
19-910148	03/08/2019	21:00:53	4803 - PREMISES CHECK	535 KENMORE AV
19-910172	03/09/2019	00:36:55	2705 - FALSE ALARM - MALFUNCTION	487 KENMORE AV
19-910181	03/09/2019	01:12:52	4803 - PREMISES CHECK	535 KENMORE AV
19-910329	03/10/2019	01:20:11	4803 - PREMISES CHECK	535 KENMORE AV
19-910447	03/10/2019	22:07:08	4803 - PREMISES CHECK	535 KENMORE AV
19-910457	03/10/2019	22:53:03	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-910459	03/10/2019	23:02:52	4803 - PREMISES CHECK	535 KENMORE AV
19-910501	03/11/2019	04:06:03	4803 - PREMISES CHECK	535 KENMORE AV
19-910554	03/11/2019	13:27:46	4803 - PREMISES CHECK	535 KENMORE AV
19-910570	03/11/2019	16:42:42	4901 - ACCIDENT PDO	535 KENMORE AV
19-910603	03/11/2019	22:09:20	4803 - PREMISES CHECK	535 KENMORE AV
19-910636	03/12/2019	01:31:24	4803 - PREMISES CHECK	535 KENMORE AV
19-910657	03/12/2019	03:33:29	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
19-910672	03/12/2019	05:07:57	4803 - PREMISES CHECK	535 KENMORE AV
19-910708	03/12/2019	10:20:13	4803 - PREMISES CHECK	535 KENMORE AV
19-910737	03/12/2019	14:33:15	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-910773	03/12/2019	21:13:17	4803 - PREMISES CHECK	535 KENMORE AV
19-910801	03/13/2019	01:02:43	3099 - TRAFFIC INFRACTION - OTHER	571 KENMORE AV 1
19-910837	03/13/2019	05:41:56	4803 - PREMISES CHECK	535 KENMORE AV
19-910911	03/13/2019	17:37:41	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-911263	03/16/2019	02:15:19	4803 - PREMISES CHECK	447 KENMORE AV
19-911265	03/16/2019	02:17:08	4803 - PREMISES CHECK	535 KENMORE AV
19-911511	03/18/2019	00:51:34	4803 - PREMISES CHECK	535 KENMORE AV
19-911608	03/18/2019	13:47:00	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
19-911851	03/20/2019	00:57:33	4803 - PREMISES CHECK	535 KENMORE AV
19-911863	03/20/2019	01:38:13	4803 - PREMISES CHECK	535 KENMORE AV
19-911924	03/20/2019	12:27:38	4803 - PREMISES CHECK	447 KENMORE AV
19-912007	03/21/2019	00:52:07	4803 - PREMISES CHECK	535 KENMORE AV
19-912140	03/21/2019	20:03:53	5007 - CUSTOMER TROUBLE	535 KENMORE AV
19-912350	03/23/2019	02:46:16	4803 - PREMISES CHECK	535 KENMORE AV
19-912445	03/23/2019	20:57:38	4803 - PREMISES CHECK	535 KENMORE AV
19-912487	03/24/2019	03:25:46	4803 - PREMISES CHECK	535 KENMORE AV
19-912523	03/24/2019	10:29:02	1902 - CRIMINAL MISCHIEF	567 KENMORE AV LOWER

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19-912581	03/24/2019	22:48:53	4803 - PREMISES CHECK	535 KENMORE AV
19-912607	03/25/2019	02:45:24	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
19-912744	03/26/2019	00:25:57	4803 - PREMISES CHECK	535 KENMORE AV
19-912746	03/26/2019	00:38:34	3464 - SUSPICIOUS PERSON	535 KENMORE AV
19-912903	03/27/2019	02:19:40	3465 - SUSPICIOUS PERSON W/VEHICLE	535 KENMORE AV
19-912905	03/27/2019	02:25:34	4803 - PREMISES CHECK	535 KENMORE AV
19-913169	03/28/2019	18:12:07	3099 - TRAFFIC INFRACTION - OTHER	571 KENMORE AV
19-913237	03/29/2019	04:03:14	4803 - PREMISES CHECK	535 KENMORE AV
19-913427	03/30/2019	16:07:24	5007 - CUSTOMER TROUBLE	535 KENMORE AV
19-913455	03/31/2019	00:34:14	4803 - PREMISES CHECK	535 KENMORE AV
19-913654	04/01/2019	10:51:45	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
19-913946	04/03/2019	12:35:38	5008 - LOUD MUSIC	535 KENMORE AV
19-914032	04/04/2019	01:33:12	4803 - PREMISES CHECK	535 KENMORE AV
19-914047	04/04/2019	03:11:13	4803 - PREMISES CHECK	447 KENMORE AV
19-914154	04/05/2019	00:21:22	4803 - PREMISES CHECK	535 KENMORE AV
19-914424	04/06/2019	21:46:40	3099 - TRAFFIC INFRACTION - OTHER	567 KENMORE AV
19-914642	04/08/2019	10:18:52	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
19-914643	04/08/2019	10:19:47	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
19-914762	04/09/2019	01:37:16	4803 - PREMISES CHECK	535 KENMORE AV
19-914784	04/09/2019	03:15:49	4803 - PREMISES CHECK	535 KENMORE AV
19-914932	04/10/2019	03:07:02	4508 - ASSIST PERSON	559 KENMORE AV LOWER
19-915043	04/11/2019	00:30:28	4803 - PREMISES CHECK	535 KENMORE AV
19-915332	04/12/2019	17:52:28	2500 - DRUNK	535 KENMORE AV
19-915493	04/13/2019	20:07:33	5007 - CUSTOMER TROUBLE	535 KENMORE AV
19-915525	04/14/2019	01:15:32	4803 - PREMISES CHECK	535 KENMORE AV
19-915828	04/16/2019	06:04:38	4803 - PREMISES CHECK	535 KENMORE AV
19-915942	04/17/2019	03:05:01	4803 - PREMISES CHECK	535 KENMORE AV
19-915978	04/17/2019	10:01:33	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
19-916182	04/18/2019	18:56:21	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-916221	04/19/2019	01:04:26	4803 - PREMISES CHECK	535 KENMORE AV
19-916284	04/19/2019	13:03:01	4803 - PREMISES CHECK	535 KENMORE AV
19-916329	04/19/2019	22:41:12	4803 - PREMISES CHECK	535 KENMORE AV
19-916496	04/21/2019	03:48:01	4803 - PREMISES CHECK	535 KENMORE AV
19-916671	04/22/2019	15:09:55	4902 - ACCIDENT INJURY	501 KENMORE AV
19-916674	04/22/2019	15:21:31	4601 - REFERRAL - OTHER POLICE	501 KENMORE AV
19-916746	04/23/2019	01:57:15	4803 - PREMISES CHECK	535 KENMORE AV
19-916974	04/24/2019	17:37:44	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
19-917019	04/25/2019	00:57:03	4803 - PREMISES CHECK	535 KENMORE AV
19-917133	04/25/2019	15:30:38	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-917153	04/25/2019	18:15:20	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-917183	04/26/2019	00:52:49	4803 - PREMISES CHECK	535 KENMORE AV
19-917238	04/26/2019	07:13:39	2500 - DRUNK	535 KENMORE AV
19-917372	04/27/2019	05:14:20	4803 - PREMISES CHECK	535 KENMORE AV
19-917418	04/27/2019	13:53:31	4504 - EMS	417 KENMORE AV
19-917512	04/28/2019	03:31:39	4803 - PREMISES CHECK	535 KENMORE AV

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19-917581	04/28/2019	18:09:25	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
19-917588	04/28/2019	19:54:37	5099 - DISTURBANCE OTHER	535 KENMORE AV
19-917755	04/30/2019	00:48:03	4803 - PREMISES CHECK	535 KENMORE AV
19-918218	05/03/2019	00:40:37	4803 - PREMISES CHECK	535 KENMORE AV
19-918412	05/04/2019	02:53:40	4803 - PREMISES CHECK	447 KENMORE AV
19-918625	05/05/2019	20:07:56	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-918712	05/06/2019	10:14:37	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
19-918805	05/07/2019	02:25:53	4803 - PREMISES CHECK	535 KENMORE AV
19-918822	05/07/2019	03:44:04	4803 - PREMISES CHECK	535 KENMORE AV
19-919368	05/10/2019	11:46:42	3465 - SUSPICIOUS PERSON W/VEHICLE	535 KENMORE AV
19-919412	05/10/2019	18:04:54	2708 - FALSE ALARM - BUSINESS - HUMAN ER	RR487 KENMORE AV
19-919537	05/11/2019	16:16:28	5007 - CUSTOMER TROUBLE	535 KENMORE AV
19-919851	05/13/2019	23:14:09	4803 - PREMISES CHECK	535 KENMORE AV
19-920028	05/15/2019	02:25:28	4803 - PREMISES CHECK	535 KENMORE AV
19-920031	05/15/2019	02:46:55	4803 - PREMISES CHECK	535 KENMORE AV
19-920107	05/15/2019	14:47:54	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
19-920133	05/15/2019	18:34:15	3002 - RECKLESS OPERATION	535 KENMORE AV
19-920238	05/16/2019	10:38:28	2708 - FALSE ALARM - BUSINESS - HUMAN ER	RR535 KENMORE AV
19-920310	05/16/2019	22:56:38	4803 - PREMISES CHECK	535 KENMORE AV
19-920329	05/17/2019	01:14:43	4803 - PREMISES CHECK	535 KENMORE AV
19-920449	05/17/2019	20:13:06	3002 - RECKLESS OPERATION	535 KENMORE AV
19-920460	05/17/2019	22:04:41	4803 - PREMISES CHECK	535 KENMORE AV
19-920622	05/19/2019	01:25:23	4803 - PREMISES CHECK	535 KENMORE AV
19-920700	05/19/2019	13:08:32	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
19-920702	05/19/2019	13:16:36	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
19-920792	05/20/2019	02:37:39	4803 - PREMISES CHECK	535 KENMORE AV
19-920909	05/20/2019	18:08:53	4802 - ALARM ACTIVATED / ALARM RINGING	487 KENMORE AV
19-921410	05/24/2019	01:00:13	4803 - PREMISES CHECK	535 KENMORE AV
19-921465	05/24/2019	09:16:24	4504 - EMS	559 KENMORE AV
19-921559	05/24/2019	20:06:29	4508 - ASSIST PERSON	535 KENMORE AV
19-921735	05/26/2019	00:17:34	4802 - ALARM ACTIVATED / ALARM RINGING	535 KENMORE AV
19-921806	05/26/2019	13:45:52	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
19-921889	05/27/2019	03:12:58	4803 - PREMISES CHECK	535 KENMORE AV
19-921955	05/27/2019	15:09:38	4508 - ASSIST PERSON	535 KENMORE AV
19-922048	05/28/2019	05:25:11	4803 - PREMISES CHECK	535 KENMORE AV
19-922072	05/28/2019	12:30:36	3463 - FIGHT	535 KENMORE AV
19-922122	05/28/2019	20:40:19	5007 - CUSTOMER TROUBLE	535 KENMORE AV
19-922144	05/29/2019	00:17:26	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
19-922145	05/29/2019	00:20:45	4803 - PREMISES CHECK	535 KENMORE AV
19-922255	05/29/2019	16:51:17	3438 - HARASSMENT	535 KENMORE AV
19-922318	05/30/2019	01:49:23	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
19-922455	05/31/2019	01:10:57	4803 - PREMISES CHECK	535 KENMORE AV
19-922513	05/31/2019	09:28:10	5001 - DISTURBANCE-PUBLIC PLACE	535 KENMORE AV
19-922522	05/31/2019	10:20:18	1201 - UNWELCOME GUEST	535 KENMORE AV
19-922688	06/01/2019	09:05:07	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV

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19-922809	06/02/2019	02:17:29	4803 - PREMISES CHECK	447 KENMORE AV
19-923033	06/03/2019	20:17:31	1201 - UNWELCOME GUEST	535 KENMORE AV
19-923063	06/04/2019	01:02:42	4803 - PREMISES CHECK	535 KENMORE AV
19-923473	06/06/2019	15:20:57	4504 - EMS	535 KENMORE AV
19-923539	06/07/2019	00:52:08	4803 - PREMISES CHECK	535 KENMORE AV
19-923705	06/08/2019	02:11:05	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-923926	06/09/2019	18:47:16	4508 - ASSIST PERSON	567 KENMORE AV
19-923967	06/10/2019	01:30:27	4803 - PREMISES CHECK	535 KENMORE AV
19-924104	06/11/2019	01:19:27	4803 - PREMISES CHECK	535 KENMORE AV
19-924147	06/11/2019	09:37:19	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
19-924167	06/11/2019	12:28:54	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
19-924234	06/11/2019	23:08:07	4803 - PREMISES CHECK	535 KENMORE AV
19-924264	06/12/2019	03:55:25	4803 - PREMISES CHECK	535 KENMORE AV
19-924392	06/12/2019	22:17:39	4803 - PREMISES CHECK	535 KENMORE AV
19-924543	06/13/2019	22:19:39	4803 - PREMISES CHECK	535 KENMORE AV
19-924566	06/14/2019	02:13:11	4803 - PREMISES CHECK	535 KENMORE AV
19-924603	06/14/2019	08:21:06	4508 - ASSIST PERSON	559 KENMORE AV
19-924706	06/15/2019	01:23:20	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-924834	06/15/2019	22:26:35	4803 - PREMISES CHECK	535 KENMORE AV
19-925007	06/17/2019	03:05:21	4803 - PREMISES CHECK	535 KENMORE AV
19-925136	06/17/2019	23:12:03	4803 - PREMISES CHECK	535 KENMORE AV
19-925274	06/18/2019	18:56:38	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
19-925277	06/18/2019	19:06:59	3099 - TRAFFIC INFRACTION - OTHER	571 KENMORE AV
19-925361	06/19/2019	06:55:07	4803 - PREMISES CHECK	535 KENMORE AV
19-925452	06/19/2019	20:01:20	5001 - DISTURBANCE-PUBLIC PLACE	535 KENMORE AV
19-925474	06/19/2019	22:48:01	4803 - PREMISES CHECK	535 KENMORE AV
19-925758	06/21/2019	20:26:59	2412 - FIREWORKS-USE	535 KENMORE AV
19-925792	06/22/2019	01:10:15	4803 - PREMISES CHECK	535 KENMORE AV
19-925935	06/23/2019	00:43:02	4517 - ATTEMPT TO LOCATE	535 KENMORE AV
19-926199	06/24/2019	23:13:30	4803 - PREMISES CHECK	535 KENMORE AV
19-926217	06/25/2019	01:22:39	4803 - PREMISES CHECK	535 KENMORE AV
19-926400	06/26/2019	03:13:21	4803 - PREMISES CHECK	535 KENMORE AV
19-926436	06/26/2019	09:17:50	5002 - DOMESTIC TROUBLE	567 KENMORE AV LOWER
19-926636	06/27/2019	16:13:27	5007 - CUSTOMER TROUBLE	535 KENMORE AV
19-926870	06/29/2019	03:47:16	4803 - PREMISES CHECK	535 KENMORE AV
19-926958	06/29/2019	19:40:52	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV @ PARKER BD
19-927107	06/30/2019	19:55:18	5002 - DOMESTIC TROUBLE	559 KENMORE AV LOWER
19-927268	07/01/2019	19:56:34	1201 - UNWELCOME GUEST	535 KENMORE AV
19-927323	07/02/2019	03:22:31	4803 - PREMISES CHECK	535 KENMORE AV
19-927690	07/04/2019	15:29:39	4504 - EMS	535 KENMORE AV
19-927780	07/05/2019	02:17:51	4803 - PREMISES CHECK	535 KENMORE AV
19-927935	07/06/2019	03:29:38	4803 - PREMISES CHECK	535 KENMORE AV
19-927988	07/06/2019	11:32:48	3099 - TRAFFIC INFRACTION - OTHER	593 KENMORE AV
19-927992	07/06/2019	11:46:43	3464 - SUSPICIOUS PERSON	535 KENMORE AV
19-928385	07/08/2019	22:57:36	3464 - SUSPICIOUS PERSON	535 KENMORE AV

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19-928577	07/10/2019	09:55:02	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
19-928578	07/10/2019	10:07:55	4803 - PREMISES CHECK	447 KENMORE AV
19-928841	07/12/2019	03:38:39	4803 - PREMISES CHECK	535 KENMORE AV
19-928961	07/12/2019	20:23:29	2708 - FALSE ALARM - BUSINESS - HUMAN E	ERR465 KENMORE AV
19-929042	07/13/2019	10:30:54	5007 - CUSTOMER TROUBLE	535 KENMORE AV
19-929250	07/14/2019	21:54:45	4803 - PREMISES CHECK	535 KENMORE AV
19-929473	07/16/2019	09:34:57	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
19-929707	07/17/2019	22:16:15	4803 - PREMISES CHECK	535 KENMORE AV
19-929733	07/18/2019	01:31:26	4803 - PREMISES CHECK	535 KENMORE AV
19-929937	07/19/2019	07:18:36	2705 - FALSE ALARM - MALFUNCTION	535 KENMORE AV
19-930009	07/19/2019	16:53:54	3009 - PARKING VIOLATION / COMPLAINT	589 KENMORE AV
19-930208	07/21/2019	00:59:39	4803 - PREMISES CHECK	535 KENMORE AV
19-930270	07/21/2019	11:10:39	3099 - TRAFFIC INFRACTION - OTHER	559 KENMORE AV
19-930368	07/22/2019	02:46:54	4803 - PREMISES CHECK	535 KENMORE AV
19-930519	07/23/2019	05:14:52	4803 - PREMISES CHECK	535 KENMORE AV
19-930558	07/23/2019	11:05:53	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
19-930657	07/23/2019	22:38:01	4803 - PREMISES CHECK	535 KENMORE AV
19-930679	07/24/2019	02:27:13	4803 - PREMISES CHECK	535 KENMORE AV
19-930850	07/25/2019	02:55:28	4803 - PREMISES CHECK	535 KENMORE AV
19-931014	07/26/2019	02:33:56	4803 - PREMISES CHECK	535 KENMORE AV
19-931138	07/27/2019	02:53:32	3464 - SUSPICIOUS PERSON	535 KENMORE AV
19-931281	07/28/2019	05:57:46	4514 - CHECK WELFARE	535 KENMORE AV
19-931294	07/28/2019	08:45:00	1201 - UNWELCOME GUEST	535 KENMORE AV
19-931299	07/28/2019	09:30:13	1201 - UNWELCOME GUEST	535 KENMORE AV
19-931701	07/31/2019	02:26:15	4803 - PREMISES CHECK	535 KENMORE AV
19-932152	08/03/2019	04:59:09	4803 - PREMISES CHECK	535 KENMORE AV
19-932897	08/08/2019	13:11:08	3099 - TRAFFIC INFRACTION - OTHER	571 KENMORE AV
19-933136	08/10/2019	09:32:04	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
19-933420	08/12/2019	17:01:42	3468 - UNKNOWN TROUBLE	567 KENMORE AV 1
19-933427	08/12/2019	18:21:06	4501 - ASSIST OTHER POLICE	567 KENMORE AV 1
19-933503	08/13/2019	06:27:29	1611 - LARCENY - SHOPLIFTING	535 KENMORE AV
19-933568	08/13/2019	18:02:23	4508 - ASSIST PERSON	567 KENMORE AV 1
19-933588	08/13/2019	21:49:47	1000 - UUV	535 KENMORE AV
19-933632	08/14/2019	05:28:18	4803 - PREMISES CHECK	535 KENMORE AV
19-933741	08/15/2019	02:33:27	4803 - PREMISES CHECK	535 KENMORE AV
19-933855	08/15/2019	22:18:05	3799 - ANIMAL COMPLAINT-OTHER	571 KENMORE AV UPPER
19-934052	08/17/2019	05:16:23	4803 - PREMISES CHECK	535 KENMORE AV
19-934123	08/17/2019	20:22:33	1611 - LARCENY - SHOPLIFTING	535 KENMORE AV
19-934397	08/19/2019	21:22:23	3464 - SUSPICIOUS PERSON	535 KENMORE AV
19-934540	08/21/2019	01:36:49	4803 - PREMISES CHECK	535 KENMORE AV
19-934695	08/21/2019	23:04:25	3707 - ANIMAL LOOSE	535 KENMORE AV
19-935156	08/25/2019	04:48:44	4803 - PREMISES CHECK	535 KENMORE AV
19-935210	08/25/2019	16:11:20	4803 - PREMISES CHECK	535 KENMORE AV
19-935658	08/29/2019	02:52:36	4803 - PREMISES CHECK	535 KENMORE AV
19-935712	08/29/2019	11:34:58	4507 - LOCK IN/OUT	535 KENMORE AV
19-9001 12	00/23/2019	11.04.00	7007 - LOOK 114/00 1	JOJ ILLINIVIONE AV

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19-936177	09/01/2019	12:56:42	4901 - ACCIDENT PDO	401 KENMORE AV
19-936233	09/01/2019	21:44:19	4803 - PREMISES CHECK	535 KENMORE AV
19-936254	09/02/2019	01:27:05	4803 - PREMISES CHECK	535 KENMORE AV
19-936334	09/02/2019	13:53:33	4517 - ATTEMPT TO LOCATE	559 KENMORE AV LOWER
19-936360	09/02/2019	17:20:32	3099 - TRAFFIC INFRACTION - OTHER	571 KENMORE AV
19-936748	09/05/2019	03:12:34	4803 - PREMISES CHECK	535 KENMORE AV
19-936834	09/05/2019	16:48:27	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
19-937016	09/06/2019	21:38:38	4803 - PREMISES CHECK	535 KENMORE AV
19-937181	09/08/2019	01:59:44	4803 - PREMISES CHECK	535 KENMORE AV
19-937352	09/09/2019	12:29:39	3099 - TRAFFIC INFRACTION - OTHER	593 KENMORE AV
19-937462	09/10/2019	04:02:51	4803 - PREMISES CHECK	535 KENMORE AV
19-937591	09/11/2019	02:30:53	4803 - PREMISES CHECK	535 KENMORE AV
19-937634	09/11/2019	10:31:56	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
19-937813	09/12/2019	14:46:51	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
19-937863	09/13/2019	00:08:06	4803 - PREMISES CHECK	535 KENMORE AV
19-938061	09/14/2019	09:50:06	4504 - EMS	447 KENMORE AV
19-938065	09/14/2019	10:14:54	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
19-938182	09/15/2019	06:01:52	4803 - PREMISES CHECK	535 KENMORE AV
19-938384	09/16/2019	13:44:46	4504 - EMS	406 VULCAN ST UPPER @ KENMORE AV
19-938407	09/16/2019	16:55:47	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
19-938441	09/16/2019	20:27:37	4508 - ASSIST PERSON	535 KENMORE AV
19-938517	09/17/2019	06:01:04	4508 - ASSIST PERSON	535 KENMORE AV
19-938823	09/19/2019	01:25:02	4803 - PREMISES CHECK	535 KENMORE AV
19-938935	09/19/2019	19:07:59	2705 - FALSE ALARM - MALFUNCTION	465 KENMORE AV
19-939132	09/21/2019	00:20:09	4803 - PREMISES CHECK	501 KENMORE AV
19-939145	09/21/2019	04:00:12	5102 - PROPERTY FOUND	501 KENMORE AV
19-939312	09/22/2019	11:24:20	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
19-939386	09/23/2019	00:59:18	4803 - PREMISES CHECK	535 KENMORE AV
19-939525	09/23/2019	21:55:31	4803 - PREMISES CHECK	535 KENMORE AV
19-939550	09/24/2019	01:06:10	4803 - PREMISES CHECK	535 KENMORE AV
19-939625	09/24/2019	12:35:06	1699 - LARCENY-OTHER	535 KENMORE AV
19-939810	09/25/2019	17:19:27	3099 - TRAFFIC INFRACTION - OTHER	501 KENMORE AV
19-939965	09/26/2019	17:36:34	3099 - TRAFFIC INFRACTION - OTHER	501 KENMORE AV
19-940129	09/27/2019	17:09:10	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-940135	09/27/2019	17:23:03	3099 - TRAFFIC INFRACTION - OTHER	567 KENMORE AV
19-940191	09/28/2019	01:43:26	4803 - PREMISES CHECK	535 KENMORE AV
19-940247	09/28/2019	11:08:54	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
19-940292	09/28/2019	19:33:58	4803 - PREMISES CHECK	535 KENMORE AV
19-940356	09/29/2019	03:47:50	4803 - PREMISES CHECK	535 KENMORE AV
19-940612	09/30/2019	22:35:37	4803 - PREMISES CHECK	535 KENMORE AV
19-940662	10/01/2019	06:10:40	4803 - PREMISES CHECK	535 KENMORE AV
19-940798	10/02/2019	03:27:23	4803 - PREMISES CHECK	535 KENMORE AV
19-940872	10/02/2019	16:32:14	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
19-940902	10/02/2019	20:46:25	4803 - PREMISES CHECK	535 KENMORE AV
19-940965	10/03/2019	06:21:40	4504 - EMS	535 KENMORE AV
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19-941150	10/04/2019	11:41:35	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-941224	10/04/2019	22:14:32	4803 - PREMISES CHECK	535 KENMORE AV
19-941421	10/06/2019	04:56:33	5099 - DISTURBANCE OTHER	501 KENMORE AV
19-941568	10/07/2019	06:43:29	4803 - PREMISES CHECK	535 KENMORE AV
19-941906	10/09/2019	11:10:04	3099 - TRAFFIC INFRACTION - OTHER	593 KENMORE AV
19-941953	10/09/2019	17:52:50	3099 - TRAFFIC INFRACTION - OTHER	571 KENMORE AV
19-942015	10/10/2019	01:18:08	4803 - PREMISES CHECK	535 KENMORE AV
19-942112	10/10/2019	13:26:20	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-942641	10/14/2019	02:08:07	4803 - PREMISES CHECK	535 KENMORE AV
19-942691	10/14/2019	09:43:02	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-942704	10/14/2019	11:01:06	3099 - TRAFFIC INFRACTION - OTHER	559 KENMORE AV
19-942758	10/14/2019	22:29:42	4803 - PREMISES CHECK	535 KENMORE AV
19-942884	10/15/2019	17:14:12	1200 - TRESPASS	535 KENMORE AV
19-942899	10/15/2019	18:41:21	3099 - TRAFFIC INFRACTION - OTHER	571 KENMORE AV
19-943266	10/18/2019	03:47:29	4803 - PREMISES CHECK	535 KENMORE AV
19-943404	10/19/2019	02:26:40	3004 - SPEEDING	563 KENMORE AV
19-943630	10/20/2019	19:48:37	4803 - PREMISES CHECK	535 KENMORE AV
19-943656	10/21/2019	00:26:46	4803 - PREMISES CHECK	535 KENMORE AV
19-943728	10/21/2019	10:07:10	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
19-943729	10/21/2019	10:11:48	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
19-943877	10/22/2019	09:07:19	4499 - FIRE ALARM / FIRE OTHER	501 KENMORE AV
19-943948	10/22/2019	19:52:28	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
19-943970	10/22/2019	23:16:19	4803 - PREMISES CHECK	535 KENMORE AV
19-943987	10/23/2019	01:43:52	4803 - PREMISES CHECK	535 KENMORE AV
19-944030	10/23/2019	07:05:23	4803 - PREMISES CHECK	535 KENMORE AV
19-944070	10/23/2019	12:01:13	4803 - PREMISES CHECK	535 KENMORE AV
19-944171	10/24/2019	01:41:45	4514 - CHECK WELFARE	535 KENMORE AV
19-944609	10/26/2019	22:24:07	4803 - PREMISES CHECK	535 KENMORE AV
19-944656	10/27/2019	04:42:32	4803 - PREMISES CHECK	535 KENMORE AV
19-944910	10/28/2019	16:34:54	5007 - CUSTOMER TROUBLE	447 KENMORE AV
19-944955	10/28/2019	22:16:59	4803 - PREMISES CHECK	535 KENMORE AV
19-945115	10/29/2019	19:06:51	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
19-945280	10/30/2019	19:07:51	1200 - TRESPASS	535 KENMORE AV
19-945427	10/31/2019	17:41:14	4803 - PREMISES CHECK	535 KENMORE AV
19-945673	11/01/2019	20:59:41	4508 - ASSIST PERSON	535 KENMORE AV
19-945707	11/02/2019	02:39:57	4803 - PREMISES CHECK	535 KENMORE AV
19-945757	11/02/2019	10:48:47	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
19-945807	11/02/2019	18:32:14	4508 - ASSIST PERSON	535 KENMORE AV
19-945822	11/02/2019	20:11:25	4803 - PREMISES CHECK	535 KENMORE AV
19-945906	11/03/2019	10:35:57	3099 - TRAFFIC INFRACTION - OTHER	417 KENMORE AV
19-946485	11/07/2019	01:44:20	4803 - PREMISES CHECK	535 KENMORE AV
19-946567	11/07/2019	14:42:49	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
19-946570	11/07/2019	14:58:40	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
19-946706	11/08/2019	11:36:02	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
19-946722	11/08/2019	14:24:28	4504 - EMS	535 KENMORE AV

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19-946724	11/08/2019	14:44:54	3099 - TRAFFIC INFRACTION - OTHER	593 KENMORE AV
19-946815	11/09/2019	06:24:51	4614 - REFERRAL-PUBLIC UTILITIES	583 KENMORE AV @ PARKER BD
19-946850	11/09/2019	10:24:14	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
19-946903	11/09/2019	22:23:47	4803 - PREMISES CHECK	535 KENMORE AV
19-946925	11/10/2019	01:02:09	4803 - PREMISES CHECK	535 KENMORE AV
19-947050	11/10/2019	22:39:14	4803 - PREMISES CHECK	535 KENMORE AV
19-947114	11/11/2019	08:51:25	3099 - TRAFFIC INFRACTION - OTHER	571 KENMORE AV
19-947210	11/11/2019	22:21:54	4803 - PREMISES CHECK	535 KENMORE AV
19-947364	11/12/2019	20:04:26	5007 - CUSTOMER TROUBLE	535 KENMORE AV
19-947455	11/13/2019	11:38:51	1699 - LARCENY-OTHER	417 KENMORE AV
19-947539	11/14/2019	01:14:44	4803 - PREMISES CHECK	535 KENMORE AV
19-947621	11/14/2019	11:56:23	5006 - SNOWBALL COMPLAINT	501 KENMORE AV
19-947784	11/15/2019	11:31:27	4803 - PREMISES CHECK	535 KENMORE AV
19-947869	11/16/2019	00:45:46	3099 - TRAFFIC INFRACTION - OTHER	429 KENMORE AV
19-947916	11/16/2019	10:02:20	3099 - TRAFFIC INFRACTION - OTHER	465 KENMORE AV
19-948043	11/17/2019	08:10:55	2700 - FALSE ALARM (NOT FIRE)	447 KENMORE AV
19-948315	11/19/2019	08:47:28	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
19-948423	11/20/2019	00:43:06	4803 - PREMISES CHECK	535 KENMORE AV
19-948476	11/20/2019	08:49:29	3099 - TRAFFIC INFRACTION - OTHER	501 KENMORE AV
19-948551	11/20/2019	21:30:40	4803 - PREMISES CHECK	535 KENMORE AV
19-948908	11/22/2019	22:18:45	4803 - PREMISES CHECK	535 KENMORE AV
19-948912	11/22/2019	22:34:33	4803 - PREMISES CHECK	535 KENMORE AV
19-948963	11/23/2019	05:30:00	4803 - PREMISES CHECK	535 KENMORE AV
19-948989	11/23/2019	11:02:59	2708 - FALSE ALARM - BUSINESS - HUMAN EF	RR447 KENMORE AV
19-949054	11/23/2019	23:38:19	5008 - LOUD MUSIC	567 KENMORE AV 2
19-949601	11/27/2019	22:48:36	4803 - PREMISES CHECK	535 KENMORE AV
19-949629	11/28/2019	02:10:25	4803 - PREMISES CHECK	535 KENMORE AV
19-949652	11/28/2019	06:06:03	4803 - PREMISES CHECK	535 KENMORE AV
19-949744	11/29/2019	03:26:13	4803 - PREMISES CHECK	535 KENMORE AV
19-949957	11/30/2019	23:14:24	4803 - PREMISES CHECK	535 KENMORE AV
19-950267	12/03/2019	03:42:27	4803 - PREMISES CHECK	535 KENMORE AV
19-950422	12/04/2019	01:05:09	4803 - PREMISES CHECK	535 KENMORE AV
19-950439	12/04/2019	02:07:00	4803 - PREMISES CHECK	535 KENMORE AV
19-950617	12/05/2019	04:10:32	4803 - PREMISES CHECK	535 KENMORE AV
19-950770	12/06/2019	05:36:14	4803 - PREMISES CHECK	535 KENMORE AV
19-951075	12/08/2019	20:06:49	5007 - CUSTOMER TROUBLE	535 KENMORE AV
19-951087	12/08/2019	22:35:50	4803 - PREMISES CHECK	535 KENMORE AV
19-951302	12/10/2019	09:19:27	3099 - TRAFFIC INFRACTION - OTHER	593 KENMORE AV
19-951567	12/12/2019	06:04:40	2708 - FALSE ALARM - BUSINESS - HUMAN EF	RR447 KENMORE AV
19-951962	12/15/2019	02:02:52	4802 - ALARM ACTIVATED / ALARM RINGING	447 KENMORE AV
19-952117	12/16/2019	03:33:54	4803 - PREMISES CHECK	535 KENMORE AV
19-952280	12/17/2019	02:53:33	4802 - ALARM ACTIVATED / ALARM RINGING	447 KENMORE AV
19-952291	12/17/2019	04:12:50	4803 - PREMISES CHECK	535 KENMORE AV
19-952375	12/17/2019	18:36:27	2708 - FALSE ALARM - BUSINESS - HUMAN EF	RR501 KENMORE AV
19-952393	12/17/2019	23:09:53	4803 - PREMISES CHECK	535 KENMORE AV

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19-952526	12/18/2019	21:48:40	4803 - PREMISES CHECK	535 KENMORE AV
19-952568	12/19/2019	03:29:28	4802 - ALARM ACTIVATED / ALARM RINGING	447 KENMORE AV
19-952598	12/19/2019	10:02:04	3004 - SPEEDING	501 KENMORE AV
19-952703	12/20/2019	03:12:34	2705 - FALSE ALARM - MALFUNCTION	447 KENMORE AV
19-952840	12/21/2019	01:13:45	4802 - ALARM ACTIVATED / ALARM RINGING	447 KENMORE AV
19-952968	12/21/2019	20:55:38	4803 - PREMISES CHECK	535 KENMORE AV
19-953081	12/22/2019	19:05:45	4803 - PREMISES CHECK	535 KENMORE AV
19-953201	12/23/2019	15:28:42	5002 - DOMESTIC TROUBLE	593 KENMORE AV
19-953328	12/24/2019	12:43:20	4802 - ALARM ACTIVATED / ALARM RINGING	465 KENMORE AV
19-953333	12/24/2019	13:04:42	1604 - LARCENY- VEHICLE ENTRY	571 KENMORE AV
19-953423	12/25/2019	20:56:45	4803 - PREMISES CHECK	535 KENMORE AV
19-953568	12/27/2019	01:33:39	4803 - PREMISES CHECK	535 KENMORE AV
19-953837	12/28/2019	23:11:34	4803 - PREMISES CHECK	535 KENMORE AV
19-953839	12/28/2019	23:42:59	2705 - FALSE ALARM - MALFUNCTION	447 KENMORE AV
19-953877	12/29/2019	04:13:09	4803 - PREMISES CHECK	535 KENMORE AV
19-953987	12/30/2019	02:23:51	4802 - ALARM ACTIVATED / ALARM RINGING	447 KENMORE AV
19-954003	12/30/2019	04:09:21	3465 - SUSPICIOUS PERSON W/VEHICLE	535 KENMORE AV
19-954098	12/30/2019	21:06:00	4803 - PREMISES CHECK	535 KENMORE AV
19-954162	12/31/2019	08:34:58	4901 - ACCIDENT PDO	535 KENMORE AV
20-200032	01/01/2020	04:02:52	4803 - PREMISES CHECK	535 KENMORE AV
20-200185	01/02/2020	09:29:24	3099 - TRAFFIC INFRACTION - OTHER	401 KENMORE AV
20-200246	01/02/2020	18:09:18	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
20-200271	01/02/2020	22:42:49	2500 - DRUNK	535 KENMORE AV
20-200316	01/03/2020	04:48:27	4803 - PREMISES CHECK	535 KENMORE AV
20-200583	01/05/2020	01:49:43	4803 - PREMISES CHECK	535 KENMORE AV
20-200785	01/06/2020	14:57:00	3039 - V&T COMMERCIAL VEHICLE MISC	487 KENMORE AV
20-200810	01/06/2020	18:14:52	5007 - CUSTOMER TROUBLE	535 KENMORE AV
20-200829	01/06/2020	21:36:18	4514 - CHECK WELFARE	447 KENMORE AV
20-200892	01/07/2020	06:15:26	4803 - PREMISES CHECK	535 KENMORE AV
20-200913	01/07/2020	09:30:10	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
20-200942	01/07/2020	13:49:23	3099 - TRAFFIC INFRACTION - OTHER	571 KENMORE AV 1
20-200968	01/07/2020	17:38:01	5099 - DISTURBANCE OTHER	535 KENMORE AV
20-201015	01/08/2020	01:05:45	4803 - PREMISES CHECK	535 KENMORE AV
20-201307	01/09/2020	20:41:29	4803 - PREMISES CHECK	535 KENMORE AV
20-201654	01/12/2020	03:04:13	4803 - PREMISES CHECK	535 KENMORE AV
20-201792	01/13/2020	01:15:06	4803 - PREMISES CHECK	535 KENMORE AV
20-201823	01/13/2020	03:56:46	4803 - PREMISES CHECK	535 KENMORE AV
20-201848	01/13/2020	08:26:36	1201 - UNWELCOME GUEST	567 KENMORE AV LOWER
20-201940	01/14/2020	00:22:45	4803 - PREMISES CHECK	535 KENMORE AV
20-201987	01/14/2020	04:10:54	4803 - PREMISES CHECK	535 KENMORE AV
20-201996	01/14/2020	05:51:09	5001 - DISTURBANCE-PUBLIC PLACE	535 KENMORE AV
20-201999	01/14/2020	06:26:06	4501 - ASSIST OTHER POLICE	535 KENMORE AV
20-202122	01/15/2020	00:50:45	4803 - PREMISES CHECK	535 KENMORE AV
20-202426	01/17/2020	01:48:14	4803 - PREMISES CHECK	535 KENMORE AV
20-202534	01/17/2020	19:40:49	4803 - PREMISES CHECK	535 KENMORE AV

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20-202556	01/18/2020	01:00:59	4803 - PREMISES CHECK	535 KENMORE AV
20-202592	01/18/2020	06:31:57	3099 - TRAFFIC INFRACTION - OTHER	583 KENMORE AV
20-202831	01/19/2020	22:39:12	4803 - PREMISES CHECK	535 KENMORE AV
20-202867	01/20/2020	01:12:49	4803 - PREMISES CHECK	535 KENMORE AV
20-202933	01/20/2020	13:36:11	4504 - EMS	535 KENMORE AV
20-202939	01/20/2020	14:26:58	3001 - DRUNK DRIVING	535 KENMORE AV
20-203030	01/21/2020	02:08:24	4803 - PREMISES CHECK	535 KENMORE AV
20-203167	01/21/2020	22:24:14	4803 - PREMISES CHECK	535 KENMORE AV
20-203316	01/22/2020	22:55:00	4803 - PREMISES CHECK	535 KENMORE AV
20-203336	01/23/2020	01:26:58	4803 - PREMISES CHECK	535 KENMORE AV
20-203495	01/24/2020	01:54:25	4803 - PREMISES CHECK	535 KENMORE AV
20-203612	01/24/2020	19:15:33	4803 - PREMISES CHECK	535 KENMORE AV
20-203687	01/25/2020	06:16:58	4803 - PREMISES CHECK	535 KENMORE AV
20-203816	01/26/2020	06:06:08	4803 - PREMISES CHECK	535 KENMORE AV
20-203981	01/27/2020	06:48:20	4803 - PREMISES CHECK	535 KENMORE AV
20-203999	01/27/2020	10:02:26	4803 - PREMISES CHECK	535 KENMORE AV
20-204074	01/27/2020	21:19:08	4803 - PREMISES CHECK	535 KENMORE AV
20-204110	01/28/2020	01:29:44	4803 - PREMISES CHECK	535 KENMORE AV
20-204234	01/28/2020	22:44:54	4803 - PREMISES CHECK	535 KENMORE AV
20-204322	01/29/2020	10:58:43	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
20-204608	01/31/2020	09:23:35	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
20-204620	01/31/2020	10:33:11	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
20-204866	02/01/2020	23:15:47	4803 - PREMISES CHECK	535 KENMORE AV
20-204909	02/02/2020	06:50:18	4803 - PREMISES CHECK	535 KENMORE AV
20-205146	02/04/2020	00:37:09	3465 - SUSPICIOUS PERSON W/VEHICLE	535 KENMORE AV
20-205485	02/06/2020	01:28:50	4803 - PREMISES CHECK	535 KENMORE AV
20-206014	02/09/2020	20:37:26	4803 - PREMISES CHECK	535 KENMORE AV
20-206244	02/11/2020	07:08:04	4803 - PREMISES CHECK	535 KENMORE AV
20-206247	02/11/2020	07:30:38	4803 - PREMISES CHECK	535 KENMORE AV
20-207084	02/17/2020	01:19:02	5008 - LOUD MUSIC	567 KENMORE AV UPPER
20-207191	02/17/2020	20:27:23	1201 - UNWELCOME GUEST	535 KENMORE AV
20-207239	02/18/2020	02:26:25	3099 - TRAFFIC INFRACTION - OTHER	535 KENMORE AV
20-207240	02/18/2020	02:29:13	5002 - DOMESTIC TROUBLE	567 KENMORE AV LOWER
20-207996	02/23/2020	12:18:37	4803 - PREMISES CHECK	535 KENMORE AV
20-208362	02/25/2020	22:26:56	4803 - PREMISES CHECK	535 KENMORE AV
20-208398	02/26/2020	01:57:04	3099 - TRAFFIC INFRACTION - OTHER	487 KENMORE AV
20-208426	02/26/2020	06:53:43	4803 - PREMISES CHECK	535 KENMORE AV
20-208936	03/01/2020	07:03:19	4803 - PREMISES CHECK	535 KENMORE AV
20-209213	03/03/2020	05:21:44	4803 - PREMISES CHECK	535 KENMORE AV
20-209324	03/03/2020	22:47:23	4803 - PREMISES CHECK	535 KENMORE AV
20-209680	03/06/2020	10:42:22	2708 - FALSE ALARM - BUSINESS - HUMAN E	ERR501 KENMORE AV
20-211067	03/16/2020	04:40:55	4803 - PREMISES CHECK	535 KENMORE AV
20-211138	03/16/2020	21:54:04	4803 - PREMISES CHECK	535 KENMORE AV
20-211178	03/17/2020	03:16:27	4803 - PREMISES CHECK	447 KENMORE AV
20-211414	03/19/2020	10:04:46	4803 - PREMISES CHECK	535 KENMORE AV

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20-211819	03/22/2020	19:05:01	4803 - PREMISES CHECK	535 KENMORE AV
20-212364	03/27/2020	17:44:38	4803 - PREMISES CHECK	535 KENMORE AV
20-212531	03/29/2020	13:16:52	2705 - FALSE ALARM - MALFUNCTION	535 KENMORE AV
20-212655	03/30/2020	13:49:21	4802 - ALARM ACTIVATED / ALARM RINGING	501 KENMORE AV
20-212838	03/31/2020	21:08:07	4803 - PREMISES CHECK	535 KENMORE AV
20-213295	04/05/2020	00:39:53	4803 - PREMISES CHECK	535 KENMORE AV
20-213547	04/06/2020	19:37:21	4803 - PREMISES CHECK	535 KENMORE AV
20-213616	04/07/2020	11:21:19	5102 - PROPERTY FOUND	401 KENMORE AV
20-214495	04/15/2020	01:41:29	4803 - PREMISES CHECK	535 KENMORE AV
20-215352	04/23/2020	03:19:44	4803 - PREMISES CHECK	535 KENMORE AV
20-215461	04/24/2020	00:04:48	4803 - PREMISES CHECK	535 KENMORE AV
20-215595	04/25/2020	00:10:49	4803 - PREMISES CHECK	535 KENMORE AV
20-215787	04/26/2020	21:19:30	4803 - PREMISES CHECK	535 KENMORE AV
20-216000	04/29/2020	00:17:24	4803 - PREMISES CHECK	535 KENMORE AV
20-216011	04/29/2020	02:02:59	2705 - FALSE ALARM - MALFUNCTION	487 KENMORE AV
20-216207	04/30/2020	17:35:41	4508 - ASSIST PERSON	535 KENMORE AV
20-216254	05/01/2020	00:04:08	4803 - PREMISES CHECK	535 KENMORE AV
20-216359	05/01/2020	19:00:59	3438 - HARASSMENT	535 KENMORE AV
20-216620	05/04/2020	03:08:21	4803 - PREMISES CHECK	535 KENMORE AV
20-216641	05/04/2020	12:46:06	3477 - POLICE INFO	535 KENMORE AV
20-216788	05/05/2020	20:32:07	4803 - PREMISES CHECK	535 KENMORE AV
20-216870	05/06/2020	17:19:18	4803 - PREMISES CHECK	535 KENMORE AV
20-217018	05/08/2020	00:06:05	4803 - PREMISES CHECK	535 KENMORE AV
20-217442	05/12/2020	11:26:46	3002 - RECKLESS OPERATION	401 KENMORE AV
20-217520	05/13/2020	01:20:51	1108 - BURGLARY NON-RESIDENCE	535 KENMORE AV
20-217600	05/13/2020	18:22:35	4803 - PREMISES CHECK	535 KENMORE AV
20-217629	05/13/2020	22:53:30	4803 - PREMISES CHECK	535 KENMORE AV
20-217651	05/14/2020	01:42:55	4803 - PREMISES CHECK	535 KENMORE AV
20-217951	05/17/2020	01:50:39	4803 - PREMISES CHECK	535 KENMORE AV
20-218084	05/18/2020	02:01:59	4803 - PREMISES CHECK	535 KENMORE AV
20-218207	05/19/2020	00:18:02	4803 - PREMISES CHECK	535 KENMORE AV
20-218246	05/19/2020	04:23:22	4803 - PREMISES CHECK	535 KENMORE AV
20-218275	05/19/2020	12:39:07	1699 - LARCENY-OTHER	487 KENMORE AV
20-218349	05/20/2020	00:29:33	4803 - PREMISES CHECK	535 KENMORE AV
20-218371	05/20/2020	04:10:49	4803 - PREMISES CHECK	535 KENMORE AV
20-218456	05/20/2020	19:14:25	4803 - PREMISES CHECK	535 KENMORE AV
20-218475	05/20/2020	21:17:49	4508 - ASSIST PERSON	535 KENMORE AV
20-218877	05/24/2020	00:16:44	4803 - PREMISES CHECK	535 KENMORE AV
20-218902	05/24/2020	08:06:15	4803 - PREMISES CHECK	535 KENMORE AV
20-218999	05/25/2020	00:11:07	4803 - PREMISES CHECK	535 KENMORE AV
20-219209	05/26/2020	14:45:42	5007 - CUSTOMER TROUBLE	535 KENMORE AV
20-219230	05/26/2020	17:04:30	4802 - ALARM ACTIVATED / ALARM RINGING	487 KENMORE AV
20-219248	05/26/2020	18:54:38	4803 - PREMISES CHECK	535 KENMORE AV
20-219286	05/27/2020	01:37:15	4803 - PREMISES CHECK	535 KENMORE AV
20-219519	05/29/2020	00:17:02	4803 - PREMISES CHECK	535 KENMORE AV

Complaint	Date	9	Call Type	Address
20-219549	05/29/2020	06:30:52	3464 - SUSPICIOUS PERSON	597 KENMORE AV
20-219550	05/29/2020	07:09:54	2708 - FALSE ALARM - BUSINESS - HUMAN	N ERR465 KENMORE AV
20-219644	05/30/2020	00:35:38	4803 - PREMISES CHECK	535 KENMORE AV
20-219706	05/30/2020	16:14:50	4803 - PREMISES CHECK	535 KENMORE AV
20-219772	05/31/2020	03:06:11	4803 - PREMISES CHECK	535 KENMORE AV
20-219808	05/31/2020	13:21:13	2700 - FALSE ALARM (NOT FIRE)	487 KENMORE AV
20-219875	05/31/2020	23:02:09	4803 - PREMISES CHECK	535 KENMORE AV
20-219893	06/01/2020	00:41:47	4803 - PREMISES CHECK	535 KENMORE AV
20-219897	06/01/2020	01:21:51	4803 - PREMISES CHECK	535 KENMORE AV
20-219966	06/01/2020	14:06:12	4508 - ASSIST PERSON	487 KENMORE AV
20-220019	06/01/2020	20:21:55	4803 - PREMISES CHECK	535 KENMORE AV
20-220049	06/02/2020	02:08:57	4803 - PREMISES CHECK	535 KENMORE AV
20-220059	06/02/2020	03:17:22	4803 - PREMISES CHECK	535 KENMORE AV
20-220360	06/04/2020	01:33:47	4803 - PREMISES CHECK	535 KENMORE AV
20-220375	06/04/2020	03:42:12	4803 - PREMISES CHECK	535 KENMORE AV
20-220484	06/05/2020	02:12:10	4803 - PREMISES CHECK	535 KENMORE AV
20-220597	06/05/2020	21:54:14	4803 - PREMISES CHECK	535 KENMORE AV
20-220629	06/06/2020	01:30:51	4803 - PREMISES CHECK	535 KENMORE AV
20-220639	06/06/2020	02:52:27	4803 - PREMISES CHECK	535 KENMORE AV
20-220644	06/06/2020	03:13:15	4803 - PREMISES CHECK	535 KENMORE AV
20-220711	06/06/2020	18:46:13	4508 - ASSIST PERSON	535 KENMORE AV
20-220724	06/06/2020	20:43:44	4803 - PREMISES CHECK	535 KENMORE AV
20-220854	06/08/2020	00:40:36	4803 - PREMISES CHECK	535 KENMORE AV
20-221096	06/10/2020	02:27:03	4803 - PREMISES CHECK	535 KENMORE AV
20-221179	06/10/2020	21:51:27	4803 - PREMISES CHECK	535 KENMORE AV
20-221209	06/11/2020	03:30:26	4803 - PREMISES CHECK	535 KENMORE AV
20-221253	06/11/2020	16:54:54	4901 - ACCIDENT PDO	535 KENMORE AV @ KLAUDER RD
20-221421	06/13/2020	00:29:53	4803 - PREMISES CHECK	535 KENMORE AV
20-221565	06/14/2020	00:34:20	4803 - PREMISES CHECK	535 KENMORE AV
20-221782	06/16/2020	00:59:00	4803 - PREMISES CHECK	535 KENMORE AV
20-221998	06/17/2020	17:23:59	4404 - FIRE GRASS	487 KENMORE AV @ FAIRFIELD AV
20-222003	06/17/2020	18:05:52	3099 - TRAFFIC INFRACTION - OTHER	563 KENMORE AV
20-222044	06/18/2020	01:10:52	4803 - PREMISES CHECK	535 KENMORE AV
20-222555	06/22/2020	00:41:03	4803 - PREMISES CHECK	535 KENMORE AV
20-222681	06/22/2020	21:51:48	4803 - PREMISES CHECK	535 KENMORE AV
20-222704	06/23/2020	01:19:58	4803 - PREMISES CHECK	535 KENMORE AV
20-222836	06/24/2020	01:03:39	4803 - PREMISES CHECK	535 KENMORE AV
20-223390	06/28/2020	04:52:01	4803 - PREMISES CHECK	535 KENMORE AV
20-223445	06/28/2020	17:36:12	4803 - PREMISES CHECK	535 KENMORE AV
20-223504	06/29/2020	00:55:25	4803 - PREMISES CHECK	535 KENMORE AV
20-223758	06/30/2020	21:57:00	4803 - PREMISES CHECK	535 KENMORE AV
20-223768	06/30/2020	23:59:49	4803 - PREMISES CHECK	535 KENMORE AV
20-223793	07/01/2020	01:55:32	4803 - PREMISES CHECK	535 KENMORE AV
20-223887	07/01/2020	17:18:34	2702 - FALSE ALARM - BURGLARY	487 KENMORE AV
20-224247	07/04/2020	01:10:24	4803 - PREMISES CHECK	535 KENMORE AV
	2.70.72020			

Complaint	Date	•	Call Type	Address
20-224254	07/04/2020	01:36:18	4803 - PREMISES CHECK	535 KENMORE AV
20-224597	07/06/2020	04:07:55	4803 - PREMISES CHECK	535 KENMORE AV
20-224730	07/07/2020	00:45:37	4803 - PREMISES CHECK	535 KENMORE AV
20-224846	07/07/2020	21:19:19	4803 - PREMISES CHECK	535 KENMORE AV
20-224888	07/08/2020	02:26:29	1108 - BURGLARY NON-RESIDENCE	535 KENMORE AV
20-224997	07/08/2020	22:21:27	5007 - CUSTOMER TROUBLE	535 KENMORE AV
20-225001	07/08/2020	23:51:38	4508 - ASSIST PERSON	535 KENMORE AV
20-225024	07/09/2020	04:08:25	4803 - PREMISES CHECK	535 KENMORE AV
20-225084	07/09/2020	13:32:27	1500 - FRAUD	535 KENMORE AV
20-225151	07/10/2020	01:00:07	4803 - PREMISES CHECK	535 KENMORE AV
20-225183	07/10/2020	04:59:43	4803 - PREMISES CHECK	535 KENMORE AV
20-225188	07/10/2020	05:30:44	4803 - PREMISES CHECK	535 KENMORE AV
20-225231	07/10/2020	11:28:09	4508 - ASSIST PERSON	535 KENMORE AV
20-225335	07/11/2020	03:38:49	4803 - PREMISES CHECK	535 KENMORE AV
20-225370	07/11/2020	09:13:47	4803 - PREMISES CHECK	535 KENMORE AV
20-225469	07/12/2020	03:00:23	4803 - PREMISES CHECK	487 KENMORE AV
20-225478	07/12/2020	03:44:59	4803 - PREMISES CHECK	535 KENMORE AV
20-225486	07/12/2020	04:51:52	1199 - BURGLARY-OTHER	535 KENMORE AV
20-225514	07/12/2020	09:40:24	5102 - PROPERTY FOUND	535 KENMORE AV
20-225560	07/12/2020	18:52:33	4803 - PREMISES CHECK	535 KENMORE AV
20-225620	07/13/2020	02:34:38	4803 - PREMISES CHECK	535 KENMORE AV
20-225623	07/13/2020	02:50:50	4803 - PREMISES CHECK	535 KENMORE AV
20-225680	07/13/2020	11:22:29	4508 - ASSIST PERSON	535 KENMORE AV
20-225733	07/13/2020	20:28:35	5007 - CUSTOMER TROUBLE	535 KENMORE AV
20-225770	07/14/2020	03:58:13	4803 - PREMISES CHECK	535 KENMORE AV
20-225778	07/14/2020	06:21:48	4803 - PREMISES CHECK	535 KENMORE AV
20-225873	07/14/2020	22:11:18	4803 - PREMISES CHECK	535 KENMORE AV
20-225899	07/15/2020	01:38:37	4803 - PREMISES CHECK	535 KENMORE AV
20-225913	07/15/2020	04:21:25	4803 - PREMISES CHECK	535 KENMORE AV
20-225988	07/15/2020	18:27:38	3099 - TRAFFIC INFRACTION - OTHER	563 KENMORE AV
20-226003	07/15/2020	20:56:24	4803 - PREMISES CHECK	535 KENMORE AV
20-226028	07/16/2020	00:25:17	4803 - PREMISES CHECK	535 KENMORE AV
20-226051	07/16/2020	02:29:44	4803 - PREMISES CHECK	535 KENMORE AV
20-226064	07/16/2020	04:41:47	4803 - PREMISES CHECK	535 KENMORE AV
20-226189	07/17/2020	00:47:19	4803 - PREMISES CHECK	535 KENMORE AV
20-226204	07/17/2020	02:14:32	4803 - PREMISES CHECK	535 KENMORE AV
20-226351	07/18/2020	00:48:37	4803 - PREMISES CHECK	535 KENMORE AV
20-226361	07/18/2020	01:23:29	4803 - PREMISES CHECK	535 KENMORE AV
20-226385	07/18/2020	03:27:18	4803 - PREMISES CHECK	535 KENMORE AV
20-226399	07/18/2020	04:41:53	4803 - PREMISES CHECK	535 KENMORE AV
20-226532	07/19/2020	03:00:14	4803 - PREMISES CHECK	535 KENMORE AV
20-226803	07/20/2020	23:20:40	4504 - EMS	535 KENMORE AV
20-226920	07/22/2020	00:50:59	4803 - PREMISES CHECK	535 KENMORE AV
20-226936	07/22/2020	02:41:24	4803 - PREMISES CHECK	535 KENMORE AV
20-227071	07/23/2020	02:10:14	4803 - PREMISES CHECK	535 KENMORE AV
			.,	

Complaint	Date	-	Call Type	Address
20-227097	07/23/2020	04:15:44	4803 - PREMISES CHECK	535 KENMORE AV
20-227229	07/24/2020	03:28:46	4803 - PREMISES CHECK	535 KENMORE AV
20-227247	07/24/2020	04:48:10	4803 - PREMISES CHECK	535 KENMORE AV
20-227272	07/24/2020	09:08:13	4803 - PREMISES CHECK	535 KENMORE AV
20-227324	07/24/2020	17:24:48	2705 - FALSE ALARM - MALFUNCTION	487 KENMORE AV
20-227401	07/25/2020	03:56:57	4803 - PREMISES CHECK	535 KENMORE AV
20-227519	07/25/2020	22:32:21	4803 - PREMISES CHECK	535 KENMORE AV
20-227791	07/28/2020	00:55:08	4803 - PREMISES CHECK	535 KENMORE AV
20-227802	07/28/2020	01:12:13	4803 - PREMISES CHECK	535 KENMORE AV
20-227811	07/28/2020	02:25:38	4803 - PREMISES CHECK	535 KENMORE AV
20-227966	07/29/2020	01:10:17	4803 - PREMISES CHECK	535 KENMORE AV
20-227991	07/29/2020	04:31:47	4803 - PREMISES CHECK	535 KENMORE AV
20-228280	07/31/2020	01:05:21	4803 - PREMISES CHECK	535 KENMORE AV
20-228313	07/31/2020	05:48:43	4803 - PREMISES CHECK	535 KENMORE AV
20-228344	07/31/2020	13:00:19	4901 - ACCIDENT PDO	447 KENMORE AV
20-228372	07/31/2020	17:53:05	4803 - PREMISES CHECK	535 KENMORE AV
20-228429	08/01/2020	01:46:15	4803 - PREMISES CHECK	535 KENMORE AV
20-228433	08/01/2020	02:25:11	4803 - PREMISES CHECK	535 KENMORE AV
20-228605	08/02/2020	18:04:40	4901 - ACCIDENT PDO	535 KENMORE AV
20-228669	08/03/2020	03:01:51	4803 - PREMISES CHECK	535 KENMORE AV
20-228774	08/03/2020	21:35:25	4803 - PREMISES CHECK	535 KENMORE AV
20-228785	08/03/2020	23:03:48	4803 - PREMISES CHECK	535 KENMORE AV
20-228803	08/04/2020	00:24:44	4803 - PREMISES CHECK	535 KENMORE AV
20-228910	08/04/2020	17:50:26	5007 - CUSTOMER TROUBLE	535 KENMORE AV
20-228937	08/04/2020	23:30:11	1902 - CRIMINAL MISCHIEF	535 KENMORE AV
20-228999	08/05/2020	05:06:57	4803 - PREMISES CHECK	535 KENMORE AV
20-229014	08/05/2020	07:13:47	4803 - PREMISES CHECK	535 KENMORE AV
20-229152	08/06/2020	02:06:59	4803 - PREMISES CHECK	535 KENMORE AV
20-229156	08/06/2020	02:21:22	4803 - PREMISES CHECK	535 KENMORE AV
20-229207	08/06/2020	10:59:03	3464 - SUSPICIOUS PERSON	535 KENMORE AV
20-229342	08/07/2020	04:04:04	4803 - PREMISES CHECK	535 KENMORE AV
20-229527	08/08/2020	14:16:33	3003 - ACCIDENT HIT & RUN	597 KENMORE AV
20-229587	08/09/2020	00:22:17	4803 - PREMISES CHECK	535 KENMORE AV
20-229688	08/09/2020	17:54:09	4514 - CHECK WELFARE	487 KENMORE AV
20-229721	08/10/2020	00:22:14	4803 - PREMISES CHECK	535 KENMORE AV
20-229902	08/11/2020	01:05:26	4803 - PREMISES CHECK	535 KENMORE AV
20-229908	08/11/2020	01:42:37	4803 - PREMISES CHECK	535 KENMORE AV
20-229929	08/11/2020	03:27:17	4803 - PREMISES CHECK	535 KENMORE AV
20-229929	08/12/2020	00:16:29	4803 - PREMISES CHECK	535 KENMORE AV
20-230062	08/12/2020	00:10:29	4803 - PREMISES CHECK	535 KENMORE AV
20-230000	08/12/2020	00:32:39	4803 - PREMISES CHECK	535 KENMORE AV
20-230115	08/12/2020	15:10:51	1699 - LARCENY-OTHER	535 KENMORE AV 535 KENMORE AV
20-230169	08/12/2020	16:27:52	5099 - DISTURBANCE OTHER	535 KENMORE AV
20-230200	08/12/2020		4803 - PREMISES CHECK	535 KENMORE AV
		22:48:31		
20-230243	08/13/2020	00:26:10	4803 - PREMISES CHECK	535 KENMORE AV

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Complaint	Date)	Call Type	Address
20-230263	08/13/2020	03:27:33	4803 - PREMISES CHECK	535 KENMORE AV
20-230396	08/14/2020	04:47:17	4803 - PREMISES CHECK	535 KENMORE AV
20-230523	08/15/2020	01:26:40	4803 - PREMISES CHECK	535 KENMORE AV
20-230529	08/15/2020	02:54:06	4803 - PREMISES CHECK	535 KENMORE AV
20-230561	08/15/2020	09:53:16	3099 - TRAFFIC INFRACTION - OTHER	447 KENMORE AV
20-230652	08/16/2020	00:21:51	4803 - PREMISES CHECK	535 KENMORE AV
20-230793	08/17/2020	00:37:02	4803 - PREMISES CHECK	535 KENMORE AV
20-230814	08/17/2020	02:02:36	4803 - PREMISES CHECK	535 KENMORE AV
20-230916	08/17/2020	16:38:12	5003 - DISTURBANCE-UNFOUNDED	535 KENMORE AV
20-230969	08/18/2020	00:13:53	4508 - ASSIST PERSON	487 KENMORE AV
20-230977	08/18/2020	00:30:50	4803 - PREMISES CHECK	535 KENMORE AV
20-230978	08/18/2020	00:31:29	4803 - PREMISES CHECK	535 KENMORE AV
20-231065	08/18/2020	17:02:01	5003 - DISTURBANCE-UNFOUNDED	535 KENMORE AV
20-231105	08/19/2020	00:40:47	4803 - PREMISES CHECK	535 KENMORE AV
20-231126	08/19/2020	02:46:54	4803 - PREMISES CHECK	535 KENMORE AV
20-231612	08/22/2020	04:49:08	4803 - PREMISES CHECK	535 KENMORE AV
20-231691	08/22/2020	18:58:19	5007 - CUSTOMER TROUBLE	535 KENMORE AV
20-231768	08/23/2020	02:28:29	4803 - PREMISES CHECK	535 KENMORE AV
20-231908	08/24/2020	02:38:17	4803 - PREMISES CHECK	535 KENMORE AV
20-231929	08/24/2020	04:44:31	4803 - PREMISES CHECK	535 KENMORE AV
20-231995	08/24/2020	15:55:26	4803 - PREMISES CHECK	535 KENMORE AV
20-232011	08/24/2020	17:31:47	4811 - TRAFFIC HAZARD	535 KENMORE AV
20-232145	08/25/2020	15:16:39	4501 - ASSIST OTHER POLICE	535 KENMORE AV
20-232323	08/27/2020	00:59:53	4803 - PREMISES CHECK	535 KENMORE AV
20-232368	08/27/2020	09:26:37	4803 - PREMISES CHECK	535 KENMORE AV
20-232517	08/28/2020	07:42:22	4803 - PREMISES CHECK	535 KENMORE AV
20-232553	08/28/2020	14:09:22	4504 - EMS	501 KENMORE AV
20-232554	08/28/2020	14:36:35	4508 - ASSIST PERSON	535 KENMORE AV
20-232604	08/29/2020	00:15:48	4803 - PREMISES CHECK	535 KENMORE AV
20-232628	08/29/2020	01:26:41	4803 - PREMISES CHECK	535 KENMORE AV
20-232760	08/29/2020	21:31:49	4803 - PREMISES CHECK	535 KENMORE AV
20-232794	08/30/2020	01:22:41	4803 - PREMISES CHECK	535 KENMORE AV

Total Complaints: 1600

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REPORT OF VIOLATION

To: Chief Palon₄bo	Report #	Date: July 16 th , 2013
NAME: Mark Muscoreil	RANK: Police Officer 004	ASSIGNMENT: Patrol Bureau #3
REPORT BY: Thomas Haynes	RANK: Lieutenant 409	
SECTION VIOLATED: Section O-10	DATE: July 6, 2013 TIME: 1	1610 hours LOCATION: 1311 Sheridan Drive
the Town of Tonawanda Police Depart #51, while responding to a call of larce resulting in a personal injury and prope	ment's Procedures Manual, being any in-progress, he failed to opera arty damage accident. Police Offi accident that occurred on Decemb	violate Section O-10 of the Operations Section of g that during emergency operation of patrol vehicle te said vehicle with due regard to all persons cer Muscoreil previously received counseling for a per 24, 2011, and was advised that any deviation isciplinary action against him.
		Signature of Reporting Officer
		MRM_R#4
		Signature of Named Officer/Civilian
COMMANDING OFFICER'S ENDORS	SEMENT:	DATE:
become a permanent part of this indivi	stated. I therefore recommend th	have investigated the above report at this report be / -not-be attached to, and properly present them)
·		Signature of Commanding Officer
CHIEF'S ENDORSEMENT:		
Approved Disapproved Recommend other action as state	d on the reverse	Aut Calado Signature of Chief

INDEX NO. 808523/2021 FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC: NO. 123-CV-00419-WMS-MJR DOCUMENT 1-15 FILED 05/11/23 RECOUNTY CLERK 04/20/2022

REPORT OF VIOLATION

To: Chief Palon bo	Report #	Date: July 16 ⁴¹ , 2013
NAME: Mark Muscoreil	RANK: Police Officer 004	ASSIGNMENT: Patrol Bureau #3
REPORT BY: Thomas Haynes	RANK: Lieutenant 409	
SECTION VIOLATED: Section ()-10 DATE: July 6, 2013 TIME: 1	610 hours LOCATION: 1311 Sheridan Drive
the Town of Tonawanda Police II #51, while responding to a call of resulting in a personal injury and personal injury and property dam	Department's Procedures Manual, being f larceny in-progress, he failed to opera property damage accident. Police Offi	violate Section O-10 of the Operations Section of that during emergency operation of patrol vehicle said vehicle with due regard to all persons cer Muscoreil previously received counseling for 24, 2011, and was advised that any deviation sciplinary action against him.
		Signature of Reporting Officer M.R. M. 2#4
		Signature of Named Officer/Civilian
COMMANDING OFFICER'S EN	DORSEMENT:	DATE:
become a permanent part of this	be as stated. I therefore recommend the	have investigated the above report at this report be / not be attached to, and properly present them)
		amus Strubby Copy 50
		Signature of Commanding Officer
CHIEF'S ENDORSEMENT:		
Approved Disapproved		
Recommend other action as	stated on the reverse	1

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Date:

August 14, 2013 at 4:23 pm

Present Were:

Chief Anthony J. Palombo

Assistant Chief Jerome C. Uschold III

Captain James Stauffiger Lieutenant Thomas Haynes

Police Club President Christopher Kaiser Shift Representative Joseph LoBrutto

Police Officer Mark Muscoreil

Hearing was recorded.

For violation of Section O-10, Police Officer Mark Muscoreil was suspended without pay or benefits for four (4) hours or, with permission of the Union, can forfeit (4) hours of compensatory time off.

Officer Muscoreil will turn in his badge, issued firearm, and police department I.D. prior to this suspension date. Captain Stauffiger will schedule the suspension date(s) at his discretion.

Date(s) served:

Wednesday, August 14, 2013 – Officer Muscoreil submitted request for time-off card for four (4) comp. hours and time removed from his time off bank by Capt.

Stauffiger accordingly.

Police Officer Mark Muscoreil was advised that any future violation of departmental rules and regulations will result in more severe disciplinary action up to and including possible termination of employment.

This report of violation will be permanently placed in Officer Muscoreil's personnel file.

Anthony J. Palombo

Chief of Police

AJP/sm

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..otice of Impending Disciplinary Action

This form will officially notify you, <u>MARK MUSCOREIL</u>, a permanent employee of the Town of Tonawanda and a member of the Town of Tonawanda Police Club, Inc., of impending disciplinary action.

A.	repres	sentative of the Police e Police Officer and c	vestigation by this department must have counsel or a Club with him during any interrogation unless waived in writing co-signed by Club Officer: I hereby waive my right to have resentative present during these proceedings.
		· ·	
	Police	Officer	Club Officer
B.	mech unles waive	anically or by stenogra s waived in writing by	te Officer for a disciplinary violation, must be recorded either pher, and there will be no, "off the record" questions put to him the Police Officer and co-signed by a Club Officer: I hereby of the proceedings, and any, "off the record" questions that
			
	Police	Officer	Club Officer
C.	You h	ave the right to opt for	disciplinary proceeding in one of the following ways.
	1.		the provisions of Section 75 of the Civil Service Law and all es, rules and regulations applicable to the State of New York.
	2.	agreement between allows the Police (Article IX, paragraph 9.04 of the collective bargaining the Town and the Town of Tonawanda Police Club, Inc. which Officer to appeal discipline issued through the Grievance ticle IV, section 4.01 of the agreement.
		Selection of either of of the other by either	the above procedures by the Police Officer forecloses the use party.
	3.	Acceptance of Depar	rtmental discipline as administered by the Chief of Police.
	resp	oonse to the impendin	have carefully read the above stated options. At this time in g disciplinary action relating to Report of Violation #06-2013, we selected the following procedure:
		Section 75, 0	Civil Service Law.
		Grievance P	rocedure.
		Departmenta	al Discipline as administered by Chief of Police.
			<u> </u>

Rev. 01/12

For 4 Hrs Suspension c/V	REQUEST FOR TIME OFF SHIFT AFT.
DATE(S) 8/14/13	SHIFT AFT.
	VACATION DAY
G.P.L P.L	COMP. 4 HRS HOL.
NAME MUSCOREIL	BADGE #
DATE SUBMITTED: 8/	WILL GO TO: APPROVED BY: (1) 501
DATE <u>8/14/13</u>	APPROVED BY:
	DISAPPROVED BY:
ENTERED FLSA:	ENTERED P & T:
ENTERED T.OFF/PAYROLL: _	ENTERED ON SCHEDULE:
TTP-65 (REV 12/09)	CALL IN: Y N

FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021

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NYSCEF: 04/20/2022

DEPARTMENT OF POLICE TOWN OF TONAWANDA, NEW YORK

INTRA-DEPARTMENTAL COMMUNICATION

TO: Capt Baumgartner

DATE: 10/1/13

SUBJECT: Focused Training: Officer Muscoreil

Town of Tonawanda
Police Department

0CT - 7 2013

Capt,

Chief of Police

On October 1, 2013, I completed focused training for Officer Muscoreil. This training included going over the Police Manual as it relates to Emergency Operation (O-10) and Defensive Driving (O-10.1). Officer Muscoreil also completed practical exercises in Evasive Steering.

An Evasive Steering exercise rating sheet was completed to be placed in his training record.

Paul Yaeono # 470

CC: A/C Uschold

Capt Stauffiger

Make endorsements, if necessary, on back

TTP-40

C TTPD00094

CLERK 04/20/2022 COUNTY Filed 05/11/23

INDEX NO. 808523/2021 258 of 27 kov#

REPORT OF VIOLATION

Signature of Chief

Rev. 02/2014

To: Chief Uschold Date: 09/19/2015 Report # 15-540954 **EMPLOYEE NAME:** RANK: ASSIGNMENT: Brian M. Valint Police Officer SWAT SECTION VIOLATED: DATE & TIME of VIOLATION: LOCATION: 4.01.31 09/14/2015 0730 327 Hampshire St. Buffalo SPECIFICATIONS OF VIOLATION: 4.01.31: Failing to utilize department equipment for its intended purpose, in accordance with established departmental procedures, and wrongfully abusing, damaging, or losing department equipment. All department equipment issued to members shall be maintained in proper order. On 9/14/2015, Officer Valint, as a member of the SWAT team, was detailed to assist Buffalo Police with the execution of a search warrant. Officer Valint was assigned to the perimeter and was issued an AR-15 and a Taser. Officer Valint upon arriving at the raid location and at his post unclipped the nylon strap holding his Taser in place within the holster. Officer Valint then failed to properly re-secure the Taser with the nylon strap. Officer Valint at the completion of the raid was getting back into the vehicle and heard something fall. He physically checked the Taser holster, but did not visually confirm that he had the Taser. Upon arrival back at the Town of Tonawanda Police Department, he went to return the Taser and noticed it was missing from the holster. I was immediately notified. Officer Valint and Lieutenant Flatau were sent back to the raid scene in attempt to locate the Taser. Officer Valint was only able to locate the damaged cartridge. The missing Taser was located a short time later by Buffalo Police and turned over to our Department. The Taser was damaged beyond repair as it appears that it was run over by a vehicle. Officer Valint's actions as a member the Department and SWAT team are unsatisfactory. His carelessness with the Taser resulted in its' destruction, exposed the community to an otherwise illegal weapon and liability to this police department. Officer Valint is hereby advised that failing to utilize department equipment for its intended purpose, in accordance with established departmental procedures, and wrongfully abusing, damaging, or losing department equipment is a violation of the Town of Tonawanda Police Department's Rules of Conduct, §4.01.31. Signature of Employee REPORT BY: RANK: Mark E. Shoemaker Lieutenant COMMANDING OFFICER'S ENDORSEMENT: have investigated the above report and find the facts to be / not to be as stated. I therefore recommend that this report be / not be attached to, and become a permanent part of this individual's Service Record. (If the facts are not as presented above, use the reverse side to properly present them) Signature of Commanding Officer CHIEF'S ENDORSEMENT: **Approved** Disapproved Recommend other action as stated on the reverse 10-8-15

TTPD00095

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Hearing Date/Time:

April 5, 2016

Present Were:

Chief J. Uschold

Assistant Chief J. Stauffiger Lieutenant M. Shoemaker

Police Club President PO C. Kaiser

Police Officer B. Valint

Hearing was recorded.

For **Violation of Section** <u>4.01.31</u>, **Police Officer** <u>Brian Valint</u> was suspended without pay or benefits for one (1) day(s). **Officer** <u>Valint</u> was also granted permission to forfeit one (1) vacation day(s) in lieu of suspension.

Officer Brian Valint will turn in his badge, issued firearm, and police department I.D.

Date(s) served:

Officer Valint forfeited one (1) vacation day in lieu of suspension, and his payroll will reflect accordingly.

Police Officer Brian Valint was advised that any future violation of departmental rules and regulations will result in more severe disciplinary action up to and including possible termination of employment.

This report of violation will be permanently placed in Officer Brian Valint's personnel file.

Jerome C. Uschold, III

Chief of Police

JCU/sm

4-6-16 Date

Rev. 01/2014

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Notice of Impending Disciplinary Action

This form will officially notify you, <u>BRIAN VALINT</u>, a permanent employee of the Town of Tonawanda and a member of the Town of Tonawanda Police Club, Inc., of impending disciplinary action.

Α.	A police officer under investigation by this department must have couns representative of the Police Club with him during any interrogation unless waived by the Police Officer and co-signed by Club Officer: I hereby waive my right counsel or a Police Club representative present during these proceedings.	in writing
	Police Officer Club Officer	
B.	Any interrogation of a Police Officer for a disciplinary violation, must be record mechanically or by stenographer, and there will be no, "off the record" questions punless waived in writing by the Police Officer and co-signed by a Club Officer: waive my right to recording of the proceedings, and any, "off the record" quest may be put to me.	ut to him I hereby
	Police Officer Club Officer	
C.	You have the right to opt for disciplinary proceeding in one of the following ways.	
	 In accordance with the provisions of Section 75 of the Civil Service Law other laws, ordinances, rules and regulations applicable to the State of New 	
	 In accordance with Article IX, paragraph 9.04 of the collective be agreement between the Town and the Town of Tonawanda Police Club, Ir allows the Police Officer to appeal discipline issued through the G Procedure as per Article IV, section 4.01 of the agreement. 	ic. which
	Selection of either of the above procedures by the Police Officer forecloses of the other by either party.	s the use
	3. Acceptance of Departmental discipline as administered by the Chief of Pol	ce.
	I, <u>BRIAN VALINT</u> , have carefully read the above stated options. At this response to the impending disciplinary action relating to Report of Violation <u>#</u> dated <u>September 19, 2015</u> , I have selected the following procedure:	
	Section 75, Civil Service Law. Grievance Procedure. Departmental Discipline as administered by Chief of Police.	
	Employee Signature Date	<u></u>

Rev. 01/12

Date

Exhibit 5

Deb Kruder Audio complainant call in FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 10. 200419-WMS-MJR Document 1-15 Filed 05/11/23 Page 262 of 271 RECEIVED NYSCEF: 04/20/2022

Exhibit 6

Officer Brian Valint Body Cam Video

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C3011869)

07/21/2020

On July 9th 2020 a gentlemen came in with a ticket from a batch of tickets that had been stolen the morning before (Wednesday). I had all the books of the that had been stolen deactivated through the lottery office. The ticket came up to go to the lottery office to cash the ticket. I called my District Manager and he told me to call the police. I called police and told them that I had a person with a ticket that came out of the book that I had deactivated the day before. Dispatch had me stay on phone with them until a police officer showed up. I explained to him what had happened the previous day and went over to the vending machine and showed him how I knew it came from that book. I told him the ticket came from that book but that I didnt know if it was a stolen ticket.

Deb Kruder Deruder 279,425

SEP 0 1 2020

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RECEIVED NYSCEF: 04/20/2022

JOHN P. FEROLETO CARRIE A. ZIMBARDI JILL WNEK

FEROLETOLAW

PARALEGALS
MEGAN COMMAROTO
MOLLY VERA
NICOLE DALTON

INJURY ATTORNEYS

JOEL FEROLETO of Counsel

clients first.

August 5, 2020

VIA REGULAR MAIL & FACSIMILE; 716-879-6646

Town of Tonawanda Police Department Attn: Barbara Henry, Records Review Bureau 1835 Sheridan Dr. Buffalo, NY 14223

Re: Our Client:

Eric Martin

Complaint No.:

20-225084

Date of Incident:

July 9, 2020, Approximately 2:00pm

Location of Incident:

Speedway, 535 Kenmore Avenue, Tonawanda NY

Dear Ms. Henry:

Kindly allow this to serve as our formal FOIL request for all 911 calls, including calls to or Town of Tonawanda Police Department 911 from Speedway, Eric Martin, calls including dispatch calls referring or relating to Eric Martin, relative to the claims made against Eric Martin on or about July 9, 2020, both audio recordings and their respective transcriptions, referring or relating to stolen lottery tickets, lottery tickets, missing lottery tickets, misappropriation of lottery tickets at 535 Kenmore Avenue, Tonawanda, New York 14223 for July 9, 2020.

Enclosed is an executed Application for Public Access to Records for the Town of Tonawanda.

Please contact the undersigned if you have any questions and thank you for your cooperation.

Very truly yours,

JØHN FEROLÆTC

JPF/mbc Enclosure

> 438 MAIN STREET SUITE 910 BUFFALO, NEW YORK 14202

PHONE (716) 854-0700 *V-FAX (716) 229-4613

*not for service

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TOWN OF TONAWANDA DEPARTMENT OF POLICE



APPLICATION FOR PUBLIC ACCESS TO RECORDS

I wish to inspect and/or receive a copy of the following record(s) dispatch calls referring or relating to Entitle both audio recordings and their respect Complaint #: 20-22508 Date of Incident: Date of Inciden	tive transcriptions, referring or relating to stolen lottery tickets, lottery tickets, ry tickets at 535 Kenmore Avenue, Tonawanda, New York 14223 for July 9, Police Report: _X MV104-A:
Other: (Identify as clearly as possible i.e. dates, names, addresses) Eric Martin, Jr. SIGNATURE John Feroleto PRINTED NAME 438 Main Street, #910 ADDRESS Buffalo, New York 14202 CITY, STATE, ZIP CODE Any person denied access to records may appeal the denial within 30 days of the denial. S the Town of Tonawanda Appeals Officer, Mario Giacobbe, 2919 Delaware Ave., Room 2, King For AGENCY USE ONLY REQUEST ACCEPTED BY (Please Print Name / Badge #) APPROVED: Date # of Photocopies: AMOUNT (OWED) (PAI	716-854-0700 PHONE megan.commaroto@feroletolaw.co EMAIL ADDRESS Type of copy in which records are preferred if approved: (circle one)
Dither: (Identify as clearly as possible i.e. dates, names, addresses) Eric Martin, Jr. SIGNATURE John Feroleto PRINTED NAME 438 Main Street, #910 ADDRESS Buffalo, New York 14202 CITY, STATE, ZIP CODE Any person denied access to records may appeal the denial within 30 days of the denial. Sthe Town of Tonawanda Appeals Officer, Mario Giacobbe, 2919 Delaware Ave., Room 2, Kr FOR AGENCY USE ONLY REQUEST ACCEPTED BY (Please Print Name / Badge #) APPROVED: Date # of Photocopies: AMOUNT (OWED) (PAI	716-854-0700 PHONE megan.commaroto@feroletolaw.co EMAIL ADDRESS Type of copy in which records are preferred if approved: (circle one)
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n question does not exist, the Freedom of Information Law would not apply.)	ting records. Section 89(3) of that Statute provide
SIGNATURE OF EMPLOYEE RELEASING INFORMATION TTP 162 06/2017	DATE INFORMATION RELEASED

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TTPD Case File 20-225084

- 1. Foil request
- 2. Police report (redacted)
- 3. CFS (redacted)
- 4. Cell block video in
- 5. Cell block video out
- 6. Cell #8
- 7. Security garage
- 8. West interview room
- 9. TTPD Non-emergency audio of complaint coming in
- 10. TTPD radio traffic recording of incident
- 11. Body camera recording of incident from LT Brian Valint
- 12. Speedway, 535 Kenmore Ave store video (2)
- 13. TTPD interview room video
- 14. (2) misdemeanor complaints
- 15. Supporting deposition from (redacted)
- 16. Miranda Rights
- 17. E-mail between Det LT Moore and Speedway
- 18. T/T Court certificate of disposition
- 19. Property receipt

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JOHN P. FEROLETO CARRIE A. ZIMBARDI JILL WNEK

FEROLETOLAW

PARALEGALS
MEGAN COMMAROTO
MOLLY VERA
NICOLE DALTON

INDEX NO. 808523/2021

INJURY ATTORNEYS

JOEL FEROLETO of Counsel

clients first.

January 27, 2022

VIA REGULAR MAIL & E-MAIL: PJoyce@colucci-gallaher.com

Paul G. Joyce, Esq. COLUCCI & GALLAHER, P.C. 2000 Liberty Building 424 Main Street Buffalo, New York 14202

RE: Martin v. Town of Tonawanda Police Department, et al.

Index No.: 808523/2021

Dear Paul,

It was good talking with you yesterday.

If you believe any requested items are privileged, or otherwise non-discoverable, please specifically identify the item, and the basis of your objection. This will help us ferret out and resolve any potential discovery disputes.

Please comply with the requirements of CPLR Rule 3122(2)(b) which requires you to identify items objected to with specificity Please provide a privilege log of any items you deem non-discoverable.

At this time, please forward documents, and audio regarding disciplinary hearings which occurred as a result of the incident with Eric Martin, Jr.

Please forward body cam video or documents referring or relating to the incident or incidents involving Eric Martin's father, Eric Martin, which occurred at the Speedway on or about July 10, 2020.

Please provide documents referring or relating to personnel training on the use of force, probable cause, bias, implicit bias, including requirements or references to courses required or taken by the TPD personnel involved in the matter with Eric Martin.

Please forward internal or computer saved items, emails, etc. which may have been overlooked. Please understand it is not my job to guess what the Town has and then ask for it. The Town is required to provide full disclosure.

438 MAIN STREET SUITE 910 BUFFALO, NEW YORK 14202

PHONE (716) 854-0700 *FAX (716) 854-0265 *V-FAX (716) 229-4613

*not for service

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You object to certain items including "confidential business information of the Town". For any item you feel is privileged or otherwise not discoverable, please comply with the requirements of CPLR Rule 3122(2)(b).

There are other items which I will follow up on, but please provide the above. If there is any item requested which you have a question on, kindly advise and I will attempt to clarify.

Please advise of any questions. I look forward to your cooperation.

Very truly yours,

JOHN FER PLETO

JPF/mbc

cc: VIA REGULAR MAIL & E-MAIL: bhannah@sugarmanlaw.com

Brittany L. Hannah, Esq. Sugarman Law Firm, LLP 211 W. Jefferson St. Syracuse, NY 13202 FILED: ERIE COUNTY CLERK 04/20/2022 03:41 PM INDEX NO. 808523/2021 NYSCEF DOC. NO. 808523/2021 PAGE 269 of 271 RECEIVED NYSCEF: 04/20/2022

COLUCCI & GALLAHER, P.C.

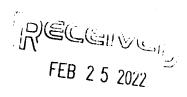
Direct Dial:

(716) 853-6509

Email:

pjoyce@colucci-gallaher.com

February 23, 2022



Via U.S. Mail and Email

John Feroleto, Esq. Feroleto Law 438 Main Street, Suite 910 Buffalo, New York 14201

Re:

Martin v. The Town of Tonawanda Police Department, et al.

Index No. 808523/2021

Dear Mr. Feroleto:

Allow this to respond to your additional discovery demands outlined in your January 27, 2022 correspondence.

The Town of Tonawanda has fully complied with the requirements of CPLR 3122(2)(b). The objections made to Plaintiff's demands were provided with specificity in the Town's original responses to the discovery demands. Responses to the additional demands raised in your correspondence are addressed below.

Pursuant to the Public Officer's Law §87(2)(b), disciplinary records are exempt if disclosure of the record would constitute an unwarranted invasion of personal privacy. Unsubstantiated and disputed complaints have long been considered exempt as an invasion of personal privacy, and the change in the Civil Rights Law did not alter the previously existing privacy considerations. As such, the Plaintiff is not entitled to any documents and/or audio of disciplinary hearings regarding the incident at issue in this matter. Should any disciplinary proceeding be sustained, the Town will produce those documents, as it already has done.

In response to your request for documents referring or relating to an incident involving Eric Martin's father, Eric Martin that occurred at the Speedway on or about July 10, 2020, enclosed is a copy of the Town of Tonawanda Police complaint information form referenced as complaint number 20-225231. The Town is not in possession of body camera footage relating to this complaint form.

The Town replied to your demand for training documents in its prior response to Plaintiff's request for documents. The Town refers to its original objection, as the training documents for unknown individuals cannot be determined.

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The Town has provided full disclosure in response to the demands raised by Plaintiff. If you have further objections to the Town's responses please feel free to contact me.

Very truly yours,

Paul G. Joyce

for Colucci & Gallaher, p.c.

PGJ

Enclosure

copy w/encs.: Brittany L. Hannah, Esq.

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Town of Tonawanda Complaint Information



Complaint# 20-225231 Date Received: 07/10/2020 Source: PHONE

Dispatch Code: 4508 Description: ASSIST PERSON Call Type: POLICE

Final Dispatch Code:4508 Description: ASSIST PERSON

SPEEDWAY

Street: 535 KENMORE AV Tract: Street Code:

Cross Street: Municipality: TONAWANDA TOWN

Call Back:

Times: Received: 11:28:09 Dispatched: 12:23:01 Arrived: 12:30:33 Completed: 13:06:34

(AT KLAUDER)

Officers: 218-ARLINGTON

Received By: 851-MANZELLA Dispatcher: T828-RIDER
Report (follow up): NO Notified:

Action Codes 1. Party Advised 2. PARTY ASSISTED

3. Supplemental Report 4.

Associated Persons:

Business:

07/10/20 11:28:20 851 REFER TO 20-225084

07/10/20 11:28:31 851 HAS VIDEO FOOTAGE TO PICK UP

07/10/20 13:06:33 008 Supplemental report completed for original complaint number.

Printed Date: 2/1/2022 10:31:27 AM

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